"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."



पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 42] रायपुर, शुक्रवार, दिनांक 20 अक्टूबर 2017—आश्विन 28, शक 1939

विषय—सूची

भाग १

राज्य शासन के आदेश

सामान्य प्रशासन विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 19 सितम्बर 2017

क्रमांक ई 1-01/2017/1-2.—राज्य शासन एतद्द्वारा कु. जिनेविवा किंडो, भा.प्र.से. (2004), सदस्य सचिव, छत्तीसगढ़ राज्य खाद्य आयोग को अस्थायी रूप से आगामी आदेश पर्यन्त सचिव, छत्तीसगढ़ राज्य निर्वाचन आयोग के पद पर पदस्थ करता है.

कु. जिनेविवा किंडो, भा.प्र.से. द्वारा सचिव, छत्तीसगढ़ राज्य निर्वाचन आयोग का पदभार ग्रहण करने के दिनांक से श्री ओंकर सिंह, रा.प्र.से. सचिव, छत्तीसगढ़ राज्य निर्वाचन आयोग के अतिरिक्त प्रभार से मुक्त होंगे.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2017.

कु. जिनेविवा किंडो, भा.प्र.से. द्वारा कार्यभार ग्रहण करने के दिनांक से राज्य शासन, भारतीय प्रशासनिक सेवा (वेतन) नियम, 2016 के नियम-12 के तहत् सचिव, छत्तीसगढ़ राज्य निर्वाचन आयोग के असंवर्गीय पद को प्रतिष्ठा एवं जिम्मेदारी में भारतीय प्रशासनिक सेवा के कनिष्ठ प्रशासनिक वेतनमान के संवर्गीय पद के समकक्ष घोषित करता है.

2. श्री सुधाकर खलखो, रा.प्र.से. (1989) प्रबंध संचालक, छत्तीसगढ़ माटीकला बोर्ड को अस्थाई रूप से आगामी आदेश पर्यन्त सदस्य सचिव, छत्तीसगढ़ राज्य खाद्य आयोग, रायपुर के पद पर पदस्थ करते हुए प्रबंध संचालक, छत्तीसगढ़ माटीकला बोर्ड का अतिरिक्त प्रभार सौंपता है.

नया रायपुर, दिनांक 27 सितम्बर 2017

क्रमांक ई 1-1/2017/1-2.—राज्य शासन एतद्द्वारा श्री भूरे सर्वेश्वर नरेन्द्र, भा.प्र.से. (2011), मुख्य कार्यपालन अधिकारी, जिला पंचायत, कबीरधाम एवं प्रबंध संचालक, लौह पुरुष सरदार वल्लभ भाई पटेल, सहकारी शक्कर कारखाना, पंडरिया, जिला कबीरधाम को अस्थायी रूप से आगामी आदेश पर्यन्त् उप सचिव, सहकारिता विभाग, मंत्रालय के पद पर पदस्थ करता है.

2. श्री रणबीर शर्मा, भा.प्र.से. (2012), मुख्य कार्यपालन अधिकारी, जिला पंचायत बलरामपुर को अस्थायी रूप से आगामी आदेश पर्यन्त् आयुक्त, नगर पालिक निगम, कोरबा के पद पर पदस्थ करता है.

3. श्री पुष्पेन्द्र कुमार मीणा, भा.प्र.से. (2012), मुख्य कार्यपालन अधिकारी, जिला पंचायत महासमुन्द एवं मुख्य कार्यपालन अधिकारी, सिरपुर विशेष क्षेत्र विकास प्राधिकरण, सिरपुर जिला महासमुन्द को अस्थायी रूप से आगामी आदेश पर्यन्त् अतिरिक्त मुख्य कार्यपालन अधिकारी, छत्तीसगढ़ इंफोटेक प्रमोशन सोसायटी (चिप्स), रायपुर के पद पर पदस्थ करता है.

4. श्री ऋतुराज रघुवंशी, भा.प्र.से. (2014), अनुविभागीय अधिकारी (राजस्व), मानपुर-मोहला, जिला-राजनांदगांव को अस्थायी रूप से आगामी आदेश पर्यन्त् मुख्य कार्यपालन अधिकारी, जिला पंचायत, महासमुन्द के पद पर पदस्थ करता है.

5. श्री कुंदन कुमार, भा.प्र.से. (2014), अनुविभागीय अधिकारी (राजस्व), भानुप्रतापपुर, जिला उत्तर बस्तर कांकेर को अस्थायी रूप से आगामी आदेश पर्यन्त् मुख्य कार्यपालन अधिकारी, जिला पंचायत, कबीरधाम के पद पर पदस्थ करते हुए प्रबंध संचालक, लौह पुरूष सरदार वल्लभ भाई पटेल, सहकारी शक्कर कारखाना, पंडरिया, जिला कबीरधाम का अतिरिक्त कार्यभार सौंपता है.

6. श्री अमृत विकास तोपनो, भा.प्र.से. (2014), अनुविभागीय अधिकारी (राजस्व), रामानुजगंज, जिला-बलरामपुर को अस्थायी रूप से आगामी आदेश पर्यन्त् मुख्य कार्यपालन अधिकारी, जिला पंचायत, बलरामपुर के पद पर पदस्थ करता है.

7. श्री डी. राहुल वेंकट, भा.प्र.से. (2015), सहायक कलेक्टर को अस्थायी रूप से आगामी आदेश पर्यन्त् अनुविभागीय अधिकारी (राजस्व), भानुप्रतापपुर, जिला उत्तर बस्तर कांकेर के पद पर पदस्थ करता है.

8. श्री हरीष एस., भा.प्र.से. (2015), सहायक कलेक्टर को अस्थायी रूप से आगामी आदेश पर्यन्त् अनुविभागीय अधिकारी (राजस्व), खरसिया, जिला रायगढ़ के पद पर पदस्थ करता है.

9. श्री प्रभात मलिक, भा.प्र.से. (2015), सहायक कलेक्टर को अस्थायी रूप से आगामी आदेश पर्यन्त् अनुविभागीय अधिकारी (राजस्व), मानपुर-मोहला, जिला-राजनांदगांव के पद पर पदस्थ करता है.

10. श्री विजय दयाराम के., भा.प्र.से. (2015), सहायक कलेक्टर को अस्थायी रूप से आगामी आदेश पर्यन्त् अनुविभागीय अधिकारी (राजस्व), रामानुजगंज, जिला-बलरामपुर के पद पर पदस्थ करता है.

11. सुश्री नुपूर राशि पन्ना, भा.प्र.से. (2015), सहायक कलेक्टर को अस्थायी रूप से आगामी आदेश पर्यन्त् अनुविभागीय अधिकारी (राजस्व), सरायपाली, जिला-महासमुन्द के पद पर पदस्थ करता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विवेक ढाँड, मुख्य सचिव.

नया रायपुर, दिनांक 27 सितम्बर 2017

क्रमांक ई 7-16/2017/एक-2.—श्रीमती दिव्या उमेश मिश्रा, भा.प्र.से., अपर कलेक्टर, दुर्ग को दिनांक 06-09-2017 से दिनांक 29-09-2017 तक (कुल 24 दिवस) का अर्जित अवकाश स्वीकृत किया जाता है. साथ ही दिनांक 30 सितम्बर तथा 01 एवं 02 अक्टूबर, 2017 के राजपत्रित अवकाश को जोड़ने की अनुमति भी दी जाती है.

2. अवकाश से लौटने पर श्रीमती मिश्रा आगामी आदेश तक अपर कलेक्टर, दुर्ग के पद पर पुनः पदस्थ होंगी.

3. अवकाश काल में श्रीमती मिश्रा को अवकाश वेतन भत्ता एवं अन्य भत्ते उसी प्रकार देय होंगे, जो उन्हें अवकाश पर जाने के पूर्व मिलते थे.

4. प्रमाणित किया जाता है कि यदि श्रीमती मिश्रा अवकश पर नहीं जातीं तो अपने पद पर कार्य करती रहतीं.

नया रायपुर, दिनांक 27 सितम्बर 2017

क्रमांक ई 7-46/20047/एक-2.—श्री गणेश शंकर मिश्रा, भा.प्र.से., सचिव, जल संसाधन विभाग को दिनांक 22-12-2015 से दिनांक 02-01-2016 तक (कुल-12 दिवस) का अर्जित अवकाश की कार्योत्तर स्वीकृति प्रदान की जाती है. साथ ही दिनांक 03 जनवरी, 2016 के राजपत्रित अवकाश को जोड़ने की अनुमति भी दी जाती है.

2. अवकाश काल में श्री मिश्रा को अवकाश वेतन भत्ता एवं अन्य भत्ते उसी प्रकार देय होंगे, जो उन्हें अवकाश पर जाने के पूर्व मिलते थे.

3. प्रमाणित किया जाता है कि यदि श्री मिश्रा अवकाश पर नहीं जाते तो अपने पद पर कार्य करते रहते.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
मुकुन्द गजभिये, अवर सचिव.

कृषि एवं जैव प्रौद्योगिकी विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 11 अगस्त 2017

क्रमांक 6397/बी-4/21/2001/14-2.—राज्य शासन एतद्द्वारा इंदिरा गांधी कृषि विश्वविद्यालय अधिनियम, 1987 की धारा-26 (2) के खण्ड (3) के उप खण्ड (चार एवं छः) में प्रदत्त अधिकार का उपयोग करते हुए इंदिरा गांधी कृषि विश्वविद्यालय के प्रबंध मण्डल में निम्नलिखित सदस्यों का नाम निर्दिष्ट करती है.

1. श्री सुरेश चंद्रवंशी, ग्राम-दौजरी, पोस्ट-राम्हेपुर, जिला-कवर्धा
(चार) कृषि विकास के बारे में विशेष ज्ञान रखने वाला एक प्रख्यात उद्योगपति या विनिमार्ता हेतु.

2. सुश्री श्याम कंवर, राजेन्द्र प्रसाद नगर, फेस-2, दुर्गा पंडाल के पास, कोरबा
(पांच) ग्रामीण उन्नति का पूर्वानुभव रखने वाली एक विख्यात सामाजिक कार्यकर्ता.

3. श्री गुहाराम अजगले, पूर्व सांसद, सारंगढ़, जिला-रायगढ़
(छह) एक प्रगतिशील कृषक, अधिमान्यतः जो अनुसूचित जाति/अनुसूचित जनजाति का हो

उपरोक्त सदस्यों का कार्यकाल 3 वर्ष से अनधिक होगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
के. सी. पैकरा, संयुक्त सचिव.

वन विभाग

मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 14 सितम्बर 2017

क्रमांक एफ 1-05/2016/10-भा.व.से..—राज्य शासन एतद्द्वारा श्री व्ही.एस. लकड़ा, भा.व.से. (1996) वन संरक्षक को दिनांक 09-07-2015 से मुख्य संरक्षक के पद (वेतन बैण्ड पी.बी.-4 : 37400-67000, ग्रेड वेतन रु. 10,000) पर पदोन्नति प्रदान करता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
ए. के. टोप्पो, विशेष सचिव.

नया रायपुर, दिनांक 15 सितम्बर 2017

क्रमांक एफ 1-10/2017/10-भा.व.से..—राज्य शासन एतद्द्वारा भारतीय वन सेवा (भर्ती) नियम-1966 के नियम- 6(ए) के अंतर्गत निम्नलिखित भारतीय वन सेवा के अधिकारियों को उनके नाम के सम्मुख स्तंभ-3 में दर्शाई गई तिथि से वरिष्ठ वेतनमान भारतीय वन सेवा (वेतन) नियम, 2016 के अनुसूची-III के वेतन मेट्रिक्स के लेबल 11 (रु. 67,700 - रु. 2,08,700) में नियुक्त करता है :—

क्र.	अधिकारी का नाम	वरिष्ठ वेतनमान में नियुक्ति की तिथि
1.	श्री प्रणय मिश्रा, भा.व.से. (2013)	07-07-2017
2.	श्री गनवीर धम्मशील, भा.व.से. (2013)	01-01-2017

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एस. एल. आदिले, उप-सचिव.

नया रायपुर, दिनांक 22 सितम्बर 2017

क्रमांक एफ 6-1/2007/10-2.—राज्य शासन एतद्द्वारा छत्तीसगढ़ काष्ठ, चिरान (विनियमन) अधिसूचना 1984 की धारा 5 (1) में प्रतिष्ठित क्षेत्र के निर्धारण, वनों के संरक्षण एवं काष्ठ उद्योगों पर स्थानीय समुदायों की निर्भरता को दृष्टिगत रखते हुए, वर्तमान परिप्रेक्ष्य में पुनरीक्षण हेतु निम्नानुसार समिति का गठन किया जाता है :—

1.	प्रधान मुख्य वन संरक्षक, छत्तीसगढ़ रायपुर	अध्यक्ष
2.	पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय, का एक प्रतिनिधि	सदस्य
3.	अपर प्रधान मुख्य वन संरक्षक (कार्यआयोजना) छ.ग. रायपुर.	सदस्य
4.	उद्योग विभाग के संचालक/अपर संचालक	सदस्य
5.	छ.ग. राज्य वन विकास निगम के अपर प्रबंध संचालक	सदस्य
6.	मुख्य वन संरक्षक क्षेत्रीय रायपुर	सदस्य
7.	अपर प्रधान मुख्य वन संरक्षक, (संरक्षण) छ.ग. रायपुर	सदस्य सचिव.

2. राज्य स्तरीय समिति द्वारा छत्तीसगढ़ टिम्बर व्यापारी संघ द्वारा नामित एक प्रतिनिधी को विशेष आमंत्रित व्यक्ति के रूप में आमंत्रित किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एम. एन. राजूरकर, अवर सचिव.

ऊर्जा विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 6 सितम्बर 2017

क्रमांक आर–66/2016/13/2.—विभागीय आदेश क्रमांक एफ 1–10/2014/13/1 दिनांक 08 सितम्बर, 2014 द्वारा श्री एस.बी. अग्रवाल को प्रबंध संचालक, छत्तीसगढ़ स्टेट पॉवर जनरेशन कंपनी के पद पर कार्यभार ग्रहण की तारीख से 03 वर्ष के लिए नियुक्त किया गया था, तदनुसार उनका कार्यकाल दिनांक 07 सितम्बर, 2017 को समाप्त हो रहा है.

2. अतः राज्य शासन एतद्द्वारा, श्री ओ. सी. कपिला, डायरेक्टर, छत्तीसगढ़ स्टेट पॉवर जनरेशन कंपनी को उनके वर्तमान दायित्वों के साथ–साथ, प्रबंध संचालक, छत्तीसगढ़ स्टेट पॉवर जनरेशन कंपनी का अतिरिक्त प्रभार नियमित प्रबंध संचालक की नियुक्ति होने तक अथवा अस्थाई तौर पर आगामी आदेश पर्यन्त सौंपा जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एम. एस. रत्नम, विशेष सचिव.

स्वास्थ्य एवं परिवार कल्याण विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 22 सितम्बर 2017

क्रमांक एफ 2–18/नौ/55–तीन.—राज्य शासन एतद्द्वारा "छत्तीसगढ़ आयुष स्नातक पाठ्यक्रम प्रवेश परीक्षा नियम, 2014" में निम्नलिखित संशोधन करता है अर्थात् :—

संशोधन

उक्त नियमों में,—

कंडिका–4 में अनारक्षित श्रेणी के न्यूनतम 50 प्रतिशत अंक के स्थान पर 40 प्रतिशत अंक तथा आरक्षित श्रेणियों के न्यूनतम 40 प्रतिशत अंक के स्थान पर 30 प्रतिशत अंक प्रतिस्थापित किया जाए. यह संशोधन शैक्षणिक सत्र 2017–18 हेतु लागू होगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अनिल कुमार साहू, सचिव.

इलेक्ट्रॉनिक्स एवं सूचना प्रौद्योगिकी विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 31 अगस्त 2017

क्रमांक–एफ 4–12/2014/56/इ.सू.प्रौ.—यतः छत्तीसगढ़ राज्य की इलेक्ट्रॉनिक्स, सूचना प्रौद्योगिकी एवं सूचना प्रौद्योगिकी समर्थित सेवाओं में निवेश की नीति, 2014–19 का प्रकाशन छत्तीसगढ़ के राजपत्र (असाधारण) में क्रमशः क्रमांक 157 दिनांक 2 मार्च 2015 एवं क्रमांक 44

दिनांक 5 फरवरी 2016 में किया गया है. इस नीति में मध्यावधि समीक्षा के उपरान्त निम्नानुसार संशोधन किया जाता है :—

1. उपरोक्त नीति में नीचे दर्शाई कंडिकाओं में कॉलम क्रमांक 3 के स्थान पर कॉलम क्रमांक 4 के प्रावधान लागू किये जाते है :—

कंडिका क्रमांक	प्रोत्साहन	वर्तमान प्रावधान	संशोधन/संवर्धित प्रावधान
(1)	(2)	(3)	(4)
6.1	स्थायी पूंजी निवेश अनुदान	राज्य में इकाई की स्थापना पर भूमि की लागत को छोड़कर किये गये स्थायी पूंजी निवेश का 50 प्रतिशत समतुल्य राशि, अधिकतम रुपये 150 लाख प्रति इकाई होगी.	राज्य में इकाई की स्थापना पर भूमि की लागत को छोड़कर किये गये स्थायी पूंजी निवेश पर निम्नानुसार अनुदान देय होगा— (1) प्रथम रु. 10 करोड़ के निवेश पर 50 प्रतिशत के समतुल्य राशि, अधिकतम रुपये 1.5 करोड़ प्रति इकाई देय होगी. (2) रु. 10 करोड़ से रु. 100 करोड़ तक के निवेश पर, प्रत्येक रु. 10 करोड़ पर 15 प्रतिशत के समतुल्य राशि, अधिकतम रुपये 15 करोड़ प्रति इकाई देय होगी. (3) रु. 100 करोड़ से अधिक के निवेश पर अधिकतम 15 करोड़ प्रति इकाई देय होगी, इससे अधिक के निवेश पर कंडिका 7.4 अनुसार प्रोत्साहन प्रदान करने पर विचार किया जाएगा.
6.4	लीज/किराये पर छूट	राज्य में स्थापित ऐसी इकाई, जिसका संचालन लीज/किराये के स्थान में हो रहा है, उन्हें लीज/किराये की दर में 50 प्रतिशत जिसकी राशि, अधिकमत सीमा रु. 10 लाख प्रति वर्ष होगी, की प्रतिपूर्ति वाणिज्यिक उत्पादन प्रारंभ करने के दिनांक से अधिकतम 3 वर्ष तक की जावेगी.	(अ) राज्य में स्थापित ऐसी इकाई, जिसका संचालन किराये के स्थान में हो रहा है, उन्हें वाणिज्यिक उत्पादन प्रारंभ करने के दिनांक से अधिकतम पांच वर्ष तक किराये की प्रतिपूर्ति निम्नानुसार की जाएगी— (1) 10,000 वर्गफीट से कम वाले किराये के स्थान पर किराये की 50 प्रतिशत राशि, अधिकतम रुपये 10 लाख प्रति इकाई/प्रति वर्ष. (2) 10,000 से 30,000 वर्गफीट तक के किराये वाले स्थान पर किराये की 50 प्रतिशत राशि, अधिकतम रुपये 20 लाख प्रति इकाई/प्रति वर्ष. (3) 30,000 वर्गफीट से अधिक किराये वाले स्थान पर किराये की 50 प्रतिशत राशि, अधिकतम रुपये 30 लाख प्रति इकाई/प्रति वर्ष.

(1)	(2)	(3)	(4)
			(ब) राज्य के सूचना प्रौद्योगिकी अधिसूचित क्षेत्र में स्थापित ऐसी इकाई, जिसका संचालन लीज पर क्रय किये गये स्थान में हो रहा है, उन्हें वाणिज्यिक उत्पादन प्रारंभ करने के दिनांक से लीज की 25 प्रतिशत राशि अधिकतम रु. 800 प्रति वर्गफीट की सीमा तक प्रतिपूर्ति की जाएगी.
6.10	रोजगार सृजन हेतु ईपीएफ अनुदान.	राज्य में स्थापित इकाई को वाणिज्यिक उत्पादन प्रारंभ होने के बाद प्रारंभिक 7 वर्ष में संस्था द्वारा आई.टी. प्रोफेशनल की नियुक्ति उपरान्त जमा की गई ईपीएफ की राशि पर निम्न तालिका अनुसार प्रतिपूर्ति की जायेगी :— कर्मचारी / ईपीएफ अनुदान (प्रतिशत में) / प्रोत्साहन की अधिकतम सीमा तथा अवधि पुरुष / जमा की गई ईपीएफ की राशि का 75 प्रतिशत / ईपीएफ की भुगतान की गई राशि का अधिकतम रु. 10 लाख प्रतिवर्ष वाणिज्यिक उत्पादन दिनांक से से 7 वर्षों तक महिला / जमा की गई ईपीएफ की राशि का 100 प्रतिशत	राज्य में स्थापित इकाई को वाणिज्यिक उत्पादन प्रारंभ होने के बाद प्रारंभिक 7 वर्ष में संस्था द्वारा आई.टी. प्रोफेशनल की नियुक्ति उपरांत जमा की गई ईपीएफ की राशि पर निम्न तालिका अनुसार प्रतिपूर्ति की जायेगी :— कर्मचारी / ईपीएफ अनुदान (प्रतिशत में) / प्रोत्साहन की अवधि एवं अधिकतम सीमा पुरुष / जमा की गई ईपीएफ की राशि का 75 प्रतिशत / वाणिज्यिक उत्पादन प्रारंभ होने के दिनांक से 7 वर्षों तक अधिकतम सीमा रु. एक करोड़ तक. महिला / जमा की गई ईपीएफ की राशि का 100 प्रतिशत
7.4	सशर्त (Bespoke) प्रोत्साहन हेतु.	7.4.1 नीति की अवधि में रुपये 100 करोड़ से अधिक निवेश करने वाले उद्यमियों को इस नीति में उल्लेखित प्रोत्साहनों के अतिरिक्त प्रोत्साहन स्वीकृत करने पर प्रकरणवार विचार किया जायेगा. 7.4.2 ऐसे सूचना प्रौद्योगिकी अधोसंरचना विकासकर्त्ता, जिनको विगत 5 वर्षों में 3 लाख वर्गफुट से अधिक क्षेत्र-फल में 100 करोड़ के निवेश से सूचना प्रौद्योगिकी अधोसंरचना विकसित करने का अनुभव हो, इस नीति में उल्लेखित प्रोत्साहनों के अतिरिक्त प्रोत्साहन स्वीकृत करने पर प्रकरणवार विचार किया जायेगा.	7.4.1 नीति की अवधि में रुपये 100 करोड़ से अधिक निवेश करने वाले उद्यमियों को इस नीति में उल्लेखित प्रोत्साहनों के अतिरिक्त प्रोत्साहन स्वीकृत करने पर प्रकरणवार विचार किया जायेगा. 7.4.2 सूचना प्रौद्योगिकी/सूचना प्रौद्योगिकी समर्थित सेवाओं की इकाईयों द्वारा वाणिज्यिक उत्पादन प्रारंभ करने के पूर्व रु. 5 करोड़ से अधिक निवेश करने पर इस नीति में उल्लेखित प्रोत्साहनों के अतिरिक्त प्रोत्साहन स्वीकृत करने पर सशक्त समिति की अनुशंसा उपरांत प्रकरणवार विचार किया जायेगा.

(1)	(2)	(3)	(4)
			7.4.3 ऐसे सूचना प्रौद्योगिकी अधोसंरचना विकासकर्त्ता, जो रु. 100 करोड़ लागत की सूचना प्रौद्योगिकी अधोसंरचना विकसित करेंगे, इस नीति में उल्लेखित प्रोत्साहनों के अतिरिक्त प्रोत्साहन स्वीकृत करने पर प्रकरणवार विचार किया जायेगा.

2. उपरोक्त नीति में उल्लिखित कंडिका क्रमांक 6.10 की निरन्तरता में नीचे दर्शाई कंडिकाओं में उल्लिखित प्रावधान लागू किये जाते है :—

नवीन कंडिका क्रमांक (1)	प्रोत्साहन का विषय (2)	प्रदत्त प्रोत्साहन (3)
6.11	विद्युत बिलों के भुगतान पर अनुदान	राज्य में स्थापित डेटा सेंटरों, ई.एस.डी.एम. कंपनियों एवं क्लाऊड सेवा प्रदाता इकाईयों को वाणिज्यिक उत्पादन प्रारंभ होने के दिनांक से 5 वर्ष तक स्वयं हेतु उपभुक्त विद्युत यूनिटों पर प्रति वर्ष 10 प्रतिशत अनुदान की प्रतिपूर्ति, 5 वर्ष में अधिकतम रु. 1.50 करोड़ की सीमा तक.
6.12	बाजार विकास हेतु सहयोग	(अ) राज्य में स्थापित सुक्ष्म, लघु एवं मध्यम श्रेणी इकाई द्वारा भारत से बाहर आयोजित अंतर्राष्ट्रीय व्यापार मेला में भाग लेने पर निम्नांकित सहायता दी जाएगी— (1) इकाई द्वारा मेले में भाग लेने पर हुए व्यय का 50 प्रतिशत, अधिकतम रु. 5 लाख की प्रतिपूर्ति. (2) किसी भी इकाई को यह सहयोग एक बार ही दिया जाएगा. (ब) भारत से बाहर आयोजित अंतर्राष्ट्रीय व्यापार मेला के छत्तीसगढ़ मंडप में भागीदारी हेतु उद्योग संघों/समूहों को निम्नांकित सहायता दी जाएगी— (1) भागीदारी पर व्यय का 50 प्रतिशत, अधिकतम रु. 10 लाख की प्रतिपूर्ति. (2) न्यूनतम 5 इकाईयों को समूह का हिस्सा होना चाहिए.
6.13	अनुसंधान एवं विकास के लिये औद्योगिक इकाई एवं अकादमिक संस्थान की सहभागिता पर अनुदान	(1) स्टार्ट अप एवं सुक्ष्म, लघु एवं मध्यम श्रेणी इकाई हेतु-प्रथम दो वर्षों में अनुसंधान एवं विकास पर इकाई द्वारा व्यय की गई राशि की दो-तिहाई राशि, अधिकतम रु. 1 करोड़ तक, की प्रतिपूर्ति की जाएगी. (2) बड़े उद्यमियों हेतु—प्रथम दो वर्षों में अनुसंधान एवं विकास पर इकाई द्वारा व्यय की गई राशि की आधी राशि, अधिकतम रु. 1 करोड़ तक, की प्रतिपूर्ति की जाएगी. **अनुसंधान एवं विकास अनुदान परियोजनाओं की आवश्यक शर्तें—** (अ) परियोजना अन्वेषक (प्रोजेक्ट इन्वेस्टिगेटर) के रूप में चयनित शैक्षणिक संस्थान को कम से कम दो वर्ष के लिए नवीन विषयों पर बैचलर कार्यक्रम संचालित करने का अनुभव होना चाहिए. (ब) इकाई के अनुसंधान एवं विकास कार्य में राज्य के लिये मूल्य संवर्द्धन आऊटपुट होना चाहिए.

(1)	(2)	(3)
6.14	डेटा सेंटर क्षेत्र के निर्माण हेतु आधारभूत संरचना का विकास करना.	नया रायपुर विकास प्राधिकरण (एनआरडीए) द्वारा नया रायपुर के 50 एकड़ क्षेत्र का सीमांकन डेटा सेंटर, क्लाउड सर्विस प्रदाता के अनुरूप निम्नलिखित प्रावधानों के साथ किया जाना प्रस्तावित है— 1. डाटा सेंटर क्षेत्र के लिए चिप्स नोडल एजेंसी होगी तथा एनआरडीए भूमि विकास/आवंटनकर्त्ता एजेंसी होगी. 2. नया रायपुर में अबाधित 365 दिन x 24 घंटे बिजली आपूर्ति सुनिश्चित करना. 3. राज्य में इंटरनेट सेवा प्रदाताओं से अनिवार्य ओएफसी कनेक्टिवीटी प्रदान की जाना.
6.15	आईटी और आईटीईएस उद्योग के लिए भिलाई और रायुपर में प्रशिक्षण सुविधाओं का विकास.	1. राज्य शासन के अनुदान से चिप्स द्वारा स्थापित परिसर में पे एंड यूज (Pay and use) की सुविधा उपलब्ध कराई जाएगी. इसमें एकत्रित उपयोगकर्त्ता शुल्क परिसर के संचालन और रखरखाव में उपयोग किया जाएगा. 2. भिलाई और रायपुर में स्थान की उपलब्धता के आधार पर 100 सीटों के प्रशिक्षण केन्द्र बनाये जाएगें.

3. उपरोक्त कंडिकाओं के अतिरिक्त छत्तीसगढ़ के राजपत्र (असाधारण) क्रमांक 157 दिनांक 2 मार्च 2015 एवं क्रमांक 44 दिनांक 5 फरवरी 2016 में प्रकाशित छत्तीसगढ़ राज्य की इलेक्ट्रॉनिक्स, सूचना प्रौद्योगिकी एवं सूचना प्रौद्योगिकी समर्थित सेवाओं में निवेश की नीति, 2014-19 की अन्य कंडिकाएं अपरिवर्तनीय रहेगी.

4. उपरोक्त नीति के क्रियान्वयन में कठिनाईयों को दूर करने के लिये स्पष्टीकरण एवं निर्देश जारी करने हेतु इलेक्ट्रानिक्स एवं सूचना प्रौद्योगिकी विभाग को प्राधिकृत किया जाता है.

5. उपरोक्त प्रोत्साहन/छूट/अनुदान की प्रदायगी दिनांक 28 अगस्त, 2017 से प्रदान की जायेगी.

6. इस नीति के अंतर्गत विद्यमान उत्पादनरत इकाईयों के विस्तारीकरण पर उपरोक्त प्रोत्साहन/छूट/अनुदान की पात्रता होगी.

नया रायपुर, दिनांक 31 अगस्त 2017

क्रमांक-एफ 4-12/56/2017/इ.सू.प्रौ/.—राज्य शासन एतद्द्वारा, "छत्तीसगढ़ संचार क्रांति योजना" (स्काई) अधिसूचित करता है—

1. **योजना का नाम**—"छत्तीसगढ़ संचार क्रांति योजना" (स्काई) होगा. इस योजना के अंतर्गत प्रत्येक ग्रामीण परिवार, शहरी गरीब परिवार एवं कॉलेज के युवाओं को नि:शुल्क मोबाईल फोन उपलब्ध कराये जाएंगे. परिवार में महिला होने की स्थिति में महिला को ही मोबाईल वितरीत किया जाएगा.

2. **योजना का उद्देश्य**—छत्तीसगढ़ संचार क्रांति योजना के प्रमुख उद्देश्य इस प्रकार हैं—

2.1 राज्य के मोबाइल कनेक्टिविटी से असंबद्ध विभिन्न क्षेत्रों में मोबाईल कनेक्टिविटी प्रदाय करने का प्रयास.

2.2 स्मार्ट फोन के उपयोग के माध्यम से राज्य में आर्थिक गतिविधि बढ़ाना.

2.3 मोबाइल के उपयोग से जेंडर सशक्तिकरण का कार्य करना.

2.4 जन धन, आधार और स्मोर्टफोन के माध्यम से सरकारी योजनाओं के लाभार्थियों के व्यापक स्तर पर प्रत्यक्ष लाभ हस्तांतरण लागू करना.

2.5 डिजिटल भुगतान और पहुंच के माध्यम से वित्तीय समावेश एवं बैकिंग सेवाओं का विस्तार करना.

2.6 सामान्य सेवा केंद्रों (सीएससी) के माध्यम से ऑनलाईन सेवाएं उपलब्ध कराना.

2.7 नागरिक, स्मार्ट फोन का उपयोग शासन में साझेदारी, शासकीय और निजी सेवाओं तक पहुंच के लिए कर सकें.

3. **योजना की अवधि—**

3.1 यह योजना दो चरणों में क्रियान्वित की जाएगी.

3.2 योजना के प्रथम चरण में वर्ष 2017-18 एवं 2018-19 में 1000 से अधिक जनसंख्या वाले सभी ग्रामीण परिवारों तथा 1000 से कम जनसंख्या वाले ऐसे सभी गांव जहां मोबाईल कवरेज पूर्ण या आंशिक रूप से उपलब्ध है, के ग्रामीण परिवारों, शहरी गरीब परिवारों एवं कॉलेज के युवाओं को स्मार्ट फोन प्रदान किया जाए.

3.3 योजना के द्वितीय चरण में वर्ष 2019-20 में 1000 से कम जनसंख्या वाले ऐसे गांव जहां मोबाईल कवरेज उपलब्ध नहीं है, के सभी ग्रामीण परिवारों को स्मार्ट फोन प्रदान किया जाए.

3.4 परिवार में महिला होने की स्थिति में महिला को ही मोबाईल वितरीत किया जाएगा.

4. **योजना का स्वरूप—**

4.1 योजना में प्रत्येक ग्रामीण परिवार की महिला प्रमुखों, शहरी गरीब परिवार की महिला प्रमुखों और कॉलेज के युवाओं को मुख्य धारा में लाने के लिए मोबाइल फोन वितरीत किये जाएंगे.

4.2 दूरसंचार सेवा प्रदाताओं द्वारा स्वयं के खर्च पर नेटवर्क विस्तारित करने का प्रयास किया जायेगा.

4.3 जिस हितग्राही को स्मार्ट फोन वितरित किया जाएगा, उसका फोन-नंबर पूर्व आवंटित होगा, यह आधार और बैंक खाता से भी जुड़ा होगा. इससे हितग्राही, फोन निरन्तर रखने हेतु प्रोत्साहित होगा.

4.4 राज्य के ग्रामीण क्षेत्रों में मोबाईल मरम्मत और रखरखाव का स्वरोजगार विस्तारित होगा.

4.5 योजना का क्रियान्वयन पारदर्शी प्रक्रिया के माध्यम से क्रियान्वयन एजेंसी चिप्स द्वारा किया जाएगा.

5. **योजना की लागत/बजट—**

5.1 योजना की अनुमानित लागत रु. 1230 करोड़ होगी.

5.2 योजना हेतु आवश्यक राशि राज्य शासन द्वारा इलेक्ट्रॉनिक्स एवं सूचना प्रौद्योगिकी विभाग को उपलब्ध कराई जाएगी. विभाग, योजना का क्रियान्वयन चिप्स के माध्यम से करेगा.

5.3 योजना के क्रियान्वयन हेतु प्रदत्त राशि का उपयोगिता प्रमाण पत्र प्रदान करने का दायित्व चिप्स का होगा.

6. **भौतिक लक्ष्य—**

6.1 इस योजनांतर्गत भौतिक लक्ष्य निम्नानुसार है :—

चरण (1)	प्राप्तकर्त्ता (2)	संख्या (3)	कुल (4)
प्रथम	सामाजिक आर्थिक जाति जनगणना 2011 के आधार पर चिन्हित ग्रामीण परिवार (1000 जनसंख्या एवं 1000 से कम जनसंख्या वाले ऐसे सभी गांव जहां मोबाईल कवरेज पूर्ण या आंशिक रूप से उपलब्ध वाले ग्रामों के ग्रामीण परिवार).	40.1 लाख	50.8 लाख

(1)	(2)	(3)	(4)
	नगरीय विकास विभाग द्वारा उपलब्ध कराई गई परिभाषा अनुसार चिन्हित शहरी गरीब परिवार.	5.6 लाख	
	तकनीकी एवं गैर तकनीकी कालेज विद्यार्थी	5.1 लाख	
द्वितीय	वर्ष 2019-20 (1000 जनसंख्या वाले ग्रामों के ग्रामीण परिवार).	4.8 लाख	4.8 लाख
		योग	**55.6 लाख**

7. **वित्तीय व्यवस्था—**

7.1 प्रथम चरण के लिए वार्षिक भौतिक और वित्तीय लक्ष्य—

वितरण अवधि	स्मार्ट फोन की संख्या	वित्तीय लागत (करोड़ में)
वर्ष 2017-18 से 2018-19	50.8 लाख	1128.00 करोड़

7.2 द्वितीय चरण के लिए भौतिक और वित्तीय लक्ष्य—

वितरण अवधि	स्मार्ट फोन की संख्या	वित्तीय लागत (करोड़ में)
वर्ष 3 (2019-20)	4.8 लाख	102.00
योग	**4.9 लाख**	**102.00**

8. **योजना का क्रियान्वयन—**

8.1 छत्तीसगढ़ इन्फोटेक प्रमोशन सोसायटी (चिप्स) योजना के लिए क्रियान्वयन एजेंसी होगी. मोबाईल फोन का वितरण जिला कलेक्टर द्वारा राशन दुकान, पंचायत भवन अथवा सुविधानुसार अन्य निश्चित स्थान से किया जाएगा.

8.2 जिला कलेक्टर, वितरण योजना तैयार करने के लिए जिम्मेदार होंगे और समय पर वितरण सुनिश्चित करेंगे.

8.3 हितग्राहियों का चयन ग्रामीण क्षेत्र में पंचायत एवं ग्रामीण विकास विभाग, शहरी क्षेत्र में नगरीय प्रशासन विभाग तथा कॉलेज में युवाओं का चयन उच्च शिक्षा विभाग द्वारा किया जाएगा.

8.4 जनसंपर्क विभाग द्वारा स्मार्ट फोन पर उपलब्ध कराये जाने वाले कंटेन्ट तैयार कराये जाएंगे.

8.5 खरीद, वितरण, रिपोर्टिंग और निगरानी के लिए चिप्स मानक ऑपरेटिंग प्रक्रिया (एसओपी) का विकास करेगा. जिला कलेक्टर एसओपी के अनुसार फोन वितरित करेंगे और वितरण की जानकारी के साथ हितग्राही का विवरण चिप्स को उपलब्ध करायेंगे.

8.6 हितग्राहियों की सूची www.chips.gov.in पर उपलब्ध कराई जायेगी.

8.7 मोबाइल आपूतिकर्त्ता के तकनीशियनों द्वारा मोबाईल मरम्मत/सेवा केन्द्र का संचालन एवं मोबाइल मरम्मत का प्रशिक्षण कौशल विकास, तकनीकी शिक्षा एवं रोजगार विभाग के माध्यम से किया जाएगा.

8.8 योजना के क्रियान्वयन हेतु चिप्स द्वारा परियोजना प्रबंधन इकाई (PMU) गठित की जायेगी.

8.9 योजना अंतर्गत टॉवर की स्थापना हेतु शासकीय भवनों की छत नि:शुल्क उपयोग करने की अनुमति संबंधित विभाग द्वारा इलेक्ट्रॉनिक्स एवं सूचना प्रौद्योगिकी विभाग को प्रदान की जायेगी.

8.10 योजना अंतर्गत टॉवर की स्थापना हेतु राजस्व विभाग द्वारा इलेक्ट्रॉनिक्स एवं सूचना प्रौद्योगिकी विभाग को शासकीय भूमि का नि:शुल्क आवंटन किया जाएगा.

8.11 परियोजना अंतर्गत दूरसंचार सेवा प्रदाताओं को नि:शुल्क राईट ऑफ वे (राष्ट्रीय राजमार्ग, वन एवं रेल्वे की भूमि छोड़कर) दिया जाएगा.

9. **उच्च अधिकार प्राप्त समिति की संरचना—**

9.1 योजना के प्रभावी क्रियान्वयन एवं मॉनिटरिंग के लिए मुख्य सचिव की अध्यक्षता में एक उच्च अधिकार प्राप्त समिति का गठन किया जाएगा, जो इस प्रकार होगी :—

1.	मुख्य सचिव	अध्यक्ष
2.	अतिरिक्त मुख्य सचिव, पंचायत एवं ग्रामीण विकास विभाग	सदस्य
3.	अतिरिक्त मुख्य सचिव, वाणिज्य एवं उद्योग विभाग	सदस्य
4.	अतिरिक्त मुख्य सचिव, उच्च शिक्षा विभाग	सदस्य
5.	प्रमुख सचिव, वित्त विभाग	सदस्य
6.	प्रमुख सचिव, इलेक्ट्रॉनिक्स एवं सूचना प्रौद्योगिकी विभाग	सदस्य
7.	प्रमुख सचिव, तकनीकी शिक्षा विभाग	सदस्य
8.	सचिव, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता संरक्षण विभाग	सदस्य
9.	मुख्य कार्यपालन अधिकारी, चिप्स	सदस्य सचिव
10.	अध्यक्ष की अनुमति से आवश्यकतानुसार सदस्य बढ़ाए जा सकेंगे	सदस्य

9.2 उच्च अधिकार प्राप्त समिति के कार्य एवं दायित्व निम्नानुसार होंगे :—

9.2.1 योजना के क्रियान्वयन के लिए विस्तृत दिशा-निर्देश प्रदान करना.

9.2.2 योजना के लिए वित्तीय प्रबंधन करना.

9.2.3 योजना के अंतर्गत चिन्हित हितग्राहियों के अलावा किसी अन्य वर्ग को शामिल करने का अधिकार उच्च अधिकार प्राप्त समिति को प्राप्त होगा.

9.2.4 हितग्राहियों के चयन हेतु अर्हता एवं वितरण योजना का आवश्यकता के अनुसार संशोधन करना.

9.2.5 योजना के क्रियान्वयन और प्रगति की समीक्षा करना.

9.2.6 अंतर्विभागीय समन्वय करना.

10. **मॉनिटरिंग—**

10.1 इस योजना की निगरानी इलेक्ट्रॉनिक्स एवं सूचना प्रौद्योगिकी विभाग द्वारा की जाएगी.

10.2 परियोजना के प्रभावी कार्यान्वयन और निगरानी के लिए चिप्स परियोजना प्रबंधन इकाई (पीएमयू) स्थापित करेंगी.

10.3 परियोजना प्रबंधन इकाई इस योजना के लिए मानक संचालन प्रक्रिया (एसओपी) और अनुश्रवण प्रारूप का विकास करेगा.

10.4 योजना के क्रियान्वयन, स्पष्टीकरण एवं कठिनाईयों के निराकरण हेतु विस्तृत दिशा-निर्देश का संशोधन करने के लिए इलेक्ट्रॉनिक्स एंव सूचना प्रौद्योगिकी विभाग प्राधिकृत होगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
संजय शुक्ला, सचिव.

राजस्व विभाग

कार्यालय, कलेक्टर, जिला कोरबा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

कोरबा, दिनांक 26 अगस्त 2017

क्रमांक 11070/अ-82/2015-16.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
कोरबा	पाली	बतरा प.ह.नं. 13	5.66	कार्यपालन अभियंता, जल संसाधन संभाग, कोरबा.	खारून व्यपवर्तन योजना के दॉयीं तट नहर निर्माण हेतु.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कटघोरा के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
मो. कैसर अब्दुल हक, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला जांजगीर-चांपा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

जांजगीर-चांपा, दिनांक 16 अगस्त 2017

क्रमांक 13139/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
जांजगीर-चांपा	मालखरौदा	नगझर प.ह.नं. 11	0.045	कार्यपालन अभियंता, मिनीमाता बांगो नहर संभाग क्र. 5 खरसिया, जिला-रायगढ़.	नगझर सब माइनर नहर निर्माण हेतु.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), सक्ती के कार्यालय में किया जा सकता है.

जांजगीर-चांपा, दिनांक 18 अगस्त 2017

क्रमांक 08/अ-82/2014-15/13272.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
जांजगीर-चांपा	जांजगीर	गौद प.ह.नं. 56	0.316	कार्यपालन अभियंता, लोक निर्माण विभाग, चांपा संभाग चांपा (छ.ग.).	रोगदा बिरगहनी मार्ग निर्माण हेतु.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), जांजगीर के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एस. भारती दासन, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला बस्तर, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

जगदलपुर, दिनांक 16 अगस्त 2017

क्रमांक क/भू-अर्जन/04/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
बस्तर	बास्तानार	बड़ेबोदेनार प.ह.नं. 06	2.21	उप मुख्य अभियंता (निर्माण) पूर्व तट रेल्वे, डी.आर.एस. काम्पलेक्स, डोन्डापरती, विशाखापटनम.	जगदलपुर से सिलक-झोड़ी तक डबल रेल लाईन निर्माण हेतु.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व)/भू-अर्जन अधिकारी, तोकापाल/उप मुख्य अभियन्ता (निर्माण) पूर्व तट रेल्वे विशाखापटनम के कार्यालय में किया जा सकता है.

जगदलपुर, दिनांक 16 अगस्त 2017

क्रमांक क/भू-अर्जन/05/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
बस्तर	बास्तानार	कावानार प.ह.नं. 10	0.08	उप मुख्य अभियंता (निर्माण) पूर्व तट रेल्वे, डी.आर.एस. काम्पलेक्स, डोन्डापरती, विशाखापटनम.	जगदलपुर से सिलक-झोड़ी तक डबल रेल लाईन निर्माण हेतु.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व)/भू-अर्जन अधिकारी, तोकापाल/उप मुख्य अभियन्ता (निर्माण) पूर्व तट रेल्वे विशाखापटनम के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
धनंजय देवांगन, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला बलरामपुर-रामानुजगंज, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

बलरामपुर-रामानुजगंज, दिनांक 29 जुलाई 2017

क्रमांक/8095/भू-अर्जन/कले./2017.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जावेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बलरामपुर-रामानुजगंज
- (ख) तहसील-कुसमी
- (ग) नगर/ग्राम-शाहपुर, प.ह.नं. 05
- (घ) लगभग क्षेत्रफल-0.663 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	98	0.121
	103	0.263
	164	0.024
	165/1	0.028
	165/2	0.065
	166/1	0.162
योग	6	0.663

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-बलरामपुर-चान्दो-कुसमी मार्ग पर रीगड़ नदी पर उच्चस्तरीय पुल एवं पहुंच मार्ग का निर्माण शाहपुर हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कुसमी के कार्यालय में किया जा सकता है.

बलरामपुर-रामानुजगंज, दिनांक 29 जुलाई 2017

क्रमांक/8096/भू-अर्जन/कले./2017.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जावेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बलरामपुर-रामानुजगंज
- (ख) तहसील-कुसमी
- (ग) नगर/ग्राम-नवाडीहकला, प.ह.नं. 02
- (घ) लगभग क्षेत्रफल-0.186 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	28/2	0.049
	30/2	0.105
	30/4	0.032
योग	3	0.186

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-चान्दो-करचा-छावरी मार्ग पर चेर्रा नाला पर उच्चस्तरीय पुल एवं पहुंच मार्ग का निर्माण नवाडीहकला हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कुसमी के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अवनीश कुमार शरण, कलेक्टर एवं पदेन उप-सचिव.

विभाग प्रमुखों के आदेश

कार्यालय, कलेक्टर (खनिज) कबीरधाम, छत्तीसगढ़

कबीरधाम, दिनांक 12 सितम्बर 2017

क्रमांक/664/ख.लि./स्था./2017-18.—छ.ग. गौण खनिज नियम 2015 के उपनियम 33 के तहत सर्वसाधारण को सूचित किया जाता है कि जिला कबीरधाम के निचे दि गई तालिका में घोषित क्षेत्र इस विज्ञप्ति के छ.ग. राजपत्र में प्रकाशन होने के 30 दिवस के पश्चात खनि रियायत हेतु उपलब्ध होगा.

क्र.	जिला	तहसील	ग्राम/पटवारी हल्का नं.	खसरा क्र.	रकबा	खनिज	भूमि
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	कबीरधाम	स. लोहारा	स. लोहारा प.ह.नं. 7	955/1	4.340 एकड़ (1.757 हे.) में से 4.250 एकड़ (1.720 हे.)	निम्न श्रेणी चूना पत्थर	भूमि स्वामी हक की निजी भूमि

नोट :— वर्णित क्षेत्र पर श्री मो. बशीर निवासी स. लोहारा को दिनांक 22-09-2004 से 21-09-2014 तक 4.250 एकड़ क्षेत्र पर खदान स्वीकृत रही है. वर्तमान समय में लगभग पूर्ण विकसित खदान है.

नीरज कुमार बंसोड़,
कलेक्टर.

कार्यालय मुख्य निर्वाचन पदाधिकारी, छत्तीसगढ़
शास्त्री चौक, पुराना मंत्रालय परिसर, रायपुर

रायपुर, दिनांक 23 जून 2017

फा.क्र-18/03/निर्वाचन याचिका/2017/616.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में भारत निर्वाचन आयोग द्वारा निर्वाचन अर्जी संख्या-14/2014 में दिए गए उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के आदेश दिनांक 19 जुलाई, 2016 को प्रकाशित करने वाली अधिसूचना को राज्य के शासकीय राजपत्र में सर्वसाधारण की जानकारी हेतु एतद् द्वारा प्रकाशित किया जाता है.

हस्ता./-
(डी. डी. सिंह)
मुख्य निर्वाचन पदाधिकारी

भारत निर्वाचन आयोग
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

नई दिल्ली, तारीख 14 जून, 2017—24 ज्येष्ठ, 1939 (शक)

सं. 82/छ.ग.-लो.स./(14/2014)/2017.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्द्वारा निर्वाच अर्जी सं. 14/2014 में दिये गये उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के तारीख 19 जुलाई, 2016 के आदेश को प्रकाशित करता है.

HIGH COURT OF CHHATTISGARH, BILASPUR

E.P. No. 14 of 2014

PETITIONER : 1. Ajit Pramod Kumar Jogi S/o K. P. Jogi Aged About 68 Years R/Anugrah, Sagun Bunglow, Civil Lines, Raipur (C.G.)

VERSUS

RESPONDENTS : 1. Chandulal Sahu S/o Late Punitram Sahu Aged About 54 Years R/o Shivaji Chowk, Aamapara, Rajim, Distt. Gariyaband C.G.

2. Kanhaiyalal Sahu S/o Mohanlal Sahu Aged About 51 Years R/o Ramsagarpara, Aamatalab Road, Dhamtari, Distt. Dhamtari C.G.

3. Smt. Abha Pandey W/o Purushottam Pandey Aged About 32 Years R/o Professors Colony, Street No. 15, Sector-3, Raipur C.G.

4. Smt. Kumari @ Preeti Dhruv D/o Pankuram Aged about 33 Years W/o Jai Prakash Dhruv, R/o Hardi, Post-Ghonch, Tah. Pithora, Distt. Mahasamund C.G.

5. Mohanlal Patel S/o Jaijai Patel Aged About 51 Years R/o Bajibahal, Post-Singhora, Tah. Saraipali, Distt. Mahasamund C.G.

6. Laxman Masturiya S/o Kundan Das Masturiya Aged About 64 Years R/o Sector-1, Durga Chowk, House No. 160, Professors Colony, Raipur C.G.

7. Shridhar Chandrakar S/o Manharan Lal Chandrakar Aged About 42 Years R/o Ward No. 13, Purani Basti, Kurmipara, Jagannathi Chowk, Mahasamund C.G.

8. Gangadhar Patel S/o Bodhram Patel Aged About 53 Years R/o Chuipali, Post-Singhora, Via-Saraipali, Distt. Mahasamund C.G.

9. Chanduram Sahu S/o Nakul Sahu Aged About 56 Years R/o Ghonch, Tah. Pithora, Distt. Mahasamund C.G.

10. Chanduram Sahu S/o Rambharosa Sahu Aged About 58 Years R/o Durgpali, Tah. Pithora, Mahasamund C.G.

11. Chandu Ram Sahu S/o Pilauram Sahu Aged About 60 Years R/o Tundra, Post-Tundra, Distt. Baloda Bazar C.G.

12. Chandu Lal Sahu S/o Awadha Ram Sahu Aged About 25 Years R/o Garhsivni, Tah. Mahasamund, Distt. Mahasamund C.G.

13. Chadu Lal Sahu S/o Tiju Ram Aged About 26 Years R/o Bhatigarh, Post-Bhatigarh, Thana-Mainpur, Distt. Gariyaband C.G.

14. Chandulal Sahu S/o Parmanand Sahu Aged About 61 years R/o Toulidih, Tah. Bhatgaon, Distt. Baloda Bazar C.G.

15. Chandulal Sahu S/o Balchand Sahu Aged About 32 Years R/o Manjitha, Tah. Aarang, Distt. Raipur C.G.

16. Chandulal Sahu S/o Somelal Sahu Aged About 40 Years, R/o Goindra, Post-Goindri, P.S. Pathariya, Distt. Mungeli C.G.

17. Champalal Patel S/o Somnath Patel Aged About 47 Years R/o Mararkasi Bahra, P..O. Charoda Bandh, Tah. Bagbahra, Distt. Mahasamund C.G.

18. Chandulal Sahu S/o Nathuram Sahu Aged About 40 Years R/o Tarpongi, Post-Mohandi, Distt. Mahasamund C.G.

19. Chandulal Sahu S/o Sonulal Sahu Aged About 42 Years R/o Temri, Tah. Dharsiwa, Distt.-Raipur C.G.

20. Dev Prasad Kelkar S/o Kodu Kelkar Aged About 50 Years R/o Barekelkala, Post-Bartora, Mahasamund C.G.

21. Motilal Sahu S/o Bajarharam Sahu Aged About 35 Years R/o Bauli, Tah. Pathariya, Distt. Mungeli C.G.

22. Motilal Sahu S/o Sonlal Sahu Aged about 35 Years R/o House No. 295g. Naya Mangal Bazaar, Gudhiyari, Raipur C.G.

23. Rupanand Sui S/o Gourango Sui Aged About 38 Years R/o Village-Rajasewaiya, Khurd, Tah. Pithora, Distt. Mahasamund C.G.

24. Vijay Kumar Patel S/o Santosh Patel Aged About 44 Years R/o Rimji, Post-Kalenda, Saraipali, Distt, Mahasamund C.G.

25. Sukhnandan Deshkar S/o Sudarshan Deshkar Aged About 43 Years R/o Harnadadar, Post-Chuapali, Tah. Bagbahra, Distt. Mahasamund C.G.

26. Hemant Pradhan S/o Meghnath Pradhan Aged About 53 Years R/o Durgpali, Tah. Basna, Distt. Mahasamund C.G.

For the applicants : Dr. N.K. Shukla, Sr. Advocate with Mr. Shiv Shankar Tiwari, Advocate.

For Respondent No. 1 : Mr. U.N. Awasthy, Sr. Advocate with Mrs. Raksha Awasthi, Mr. Ramakant Mishra & Mr. Surendra Kumar Dewangan, Advocates.

For Respondent No. 9 : Mr. Kshitiz Sharma, Advocate.

For Respondent No. 13 : Mr. Maneesh Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

CAV JUDGMENT

19.07.2016

1. The instant petition is concerned with the election to the Parliament of India of Mahasamund Parliamentary Constituency bearing No. 9 in such constituency, the petitioner contested the election and was sponsored on behalf of Indian National Congress Party whereas respondent No. 1 Chandulal Sahu, son of late Punitram Sahu contested for and on behalf of Bhartiya Janta Party. The election was held as per the following schedule.

(i)	Last Date of filing of nomination paper	26-03-2014
(ii)	Date of scrutiny of nomination papers	27-03-2014
(iii)	Last date of withdrawal of nominations	29-03-2014
(iv)	Date of Polling	17-04-2014
(v)	Date of Counting	16-05-2014
(vi)	Date of declaration of election result	16-05-2014

2. Respondent No. 1 was declared elected as returned candidate who secured the total votes of 503514 whereas the petitioner secured votes of 502297. Apart from respondent No. 1 Chandulal Sahu, son of Punitram Sahu, 9 other semilarly named candidates contested the election in the name of Chandulal Sahu or Chanduram Sahu.

3. The primary challege made by the petitioner is that the nomination papers of six other similarly named persons i.e., Chandulal Sahu or Chanduram Sahu were improperly accepted by the returning officer in violation of Article 84 of the Constitution of India which mandates that a person shall not be qualified to be chosen to fill a seat in parliament unless he is citizen of India and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in third schedule. During the course of submission Shri N.K. Shukla, learned Senior Advocate appearing for the petitioner would submit that Article 84 of the Constitution of India is framed in negative phraseology, therefore, on reading Article 84 of the Constitution of India along-with section 100 of the Representation of the People Act, 1951 (hereinafter referred to as the Act, 1951), would indicate that as per Section 100(1)(d)(i) if improper acceptance of any nomination is made, then it would fall within the ambit of Section 100 which stipulates the grounds for declareing the election to be void. It is stated that six persons were not administered oath as per Article 84. The counsel would submit that on 26.03.2014 at 3 p.m., six persons were said to have administered oath at the same time. It is contended that on bare evaluation, it would lead to show that the oath was not actually administered. Referring to the evidence of D.W. 1, the returning officer, the counsel would submit that according to the Returning officer, the oath was administered at 3 p.m., and the nomination papers were also submitted at 3 p.m., which would be evident from Ex. P.7 onwards to Ex. P-20. It is contended that the time of administration of oath is recorded along with time of submission of nomination papers, therefore, any oral evidence as against this would not be inadmissible in view of Section 91 of the Evidence Act.

4. Placing reliance in AIR 1984 SC Pg. 146, it is stated that the votes of candidates whose nominations were improperly accepted were of 21745 and since their nominations were improperly accepted as such the same has materially affected the result of election, therefore, the entire election becomes void. It is further stated that while exercising jurisdiction by the Election Tribunal, the Tribunal exercises its jurisdiction on its original side, therefore, the petitioner would be at liberty to raise any grounds which are against Article 84 of the Constitution of India. He further submitted that in reply to election petition, evasive reply has been made, therefore, the same amounts to admission and the facts enumerated in the election petition would amount to acceptance and accordingly the election be set aside.

5. Per contra, learned cousel for respondent No. 1 Shri U.N. Awasthi, Sr. Advocate, would submit that on evasive grounds and presumption, the election petition has been filed. It is submitted that the petitioner, of his own, has decided the issue that the nominations were improperly accepted, therefore, the election is void, which cannot be accepted. Referring to AIR 1969 SC 1034, it is stated that in an election, the nomination has to be first made, thereafter the oath is administered. Referring to Format, the cousel would submit that the format which has been accepted would show that initially the nomination was made and subsequent to it the oath was administered. The counsel referred to the statement of D.W. 1 and stated that the time of filing of nomination was upto 3 p.m., and when the nomination was made, the oath could have been administered till the mid night as per the direction of the Election Commission as the nominations could not have been refused.

6. It is further submitted that the Election Commission has the power to give direction as has been held in AIR 2014 SC 3102. Therefore, the direction has been given that when the candidate files the nomination then till mid night of that date oath could have been administered. It is stated that in such situation, the time of administration of oath has to be interpreted that the oath is administered on the same date before the scrutiny of nomination papers. It is futher submitted at the behest of the petitioner that similarly named persons Chandulal Sahu or Chanduram Sahu were collected from different places, their accounts were opened at serial numberwise in the bank and in a preplanned manner their nomination papers were submitted at 3 pm., and subsequently they were administered oath. It is further contended that the entire effort was made by the petitioner as the voters who voted for similarly named contesting candidates i.e., Chandulal Sahu or Cahnduram Sahu would have naturally damaged the vote bank of respondent No. 1 Chandulal Sahu and not that or election petitoner Ajit Pramod Kumar Jogi. He, therefore, submits that the petiton is completely frivolous as the petitioner when failed to be elected by democratic process despite all his effort now challenge is made in the election petition on frivolous grounds, therefore, the petition be dismissed with exemplary costs.

7. On the basis of pleadings, by order dated 14.07.2015 the court had framed two issues as under.

Sr. No.	Issue	Finding
(i)	"Whether the result of the election so far as it relates to the returned candidate/ Respondent No. 1 Chandulal Sahu has been materially affected by non-compliance of the provisions of the Constitution of india and the Representation of the People Act, 1951 or any Rules framed thereunder ?	Not proved
(ii)	Any other relief which this Court deems fit shall also be considered at the time of final hearing.	"Not entitled to any relief"

8. The petitioner on his behalf had examined K.K. Behar, Deputy Election Officer as P.W. 1 and the petitioner himself P.W. 2. The respondents on their behalf had examined R. Sangeeta as D.W. 1, the returning officer and Chandulal Sahu, D.W. 2.

9. From the pleadings made, evidence adduced and the submissions made, the entire challenge as projected is primarily on the ground that six candidates were not administered oath, thereby improper acceptance of nomination was made by the returning officer in violation of article 84 of the Constitution of India. The contention of the petitioner is that since the oath was not administered and was impossible at the same time of 3 p.m., therefore, the administration of oath is per-se illegal. Since the entire thrust is about administration of correctness of oath and reference is made to Article 84 of the Constitution of India, the said article which

would be relevant for the purpose is reproduced hereunder.

10. Article 84 speaks about qualifiaction for membership of parliament which reads as under;

"84 Qualification for membership of Parliament.—A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

(a) is a citizen of India, and makes and scribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty five years of age; and

(c) Possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament."

11. Likewise the relevant Section 100(1)(d)(i) of Representation of People Act, 1951 which would govern the present lis which reads as under :

100. Grounds for declaring election to be void.—(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

(a) xxx

(b) xxx

(c) xxx

(d) that the result of the election, in so far as it concerns a returned candidate, has been materi ally affected—

(i) by improper acceptance of any nomination, or

(ii) xxx

(iii) xxx

(iv) xxx

the High Court shall declare the election of the returned candidate to be void.

12. The entire question which falls for consideration in this case is as to whether the improper acceptance of nomination forms or non-administration of oath of six candidates as alleged by the petitioner is proved beyond all reasonable doubt ?

13. (i) in order to find out the answer when survey is made of the evidence, it would show that the nomiantion form of Chandulal Sahu, son of Pilau Ram Sahu, son of village Tundra arrayed as respondent No. 11 is marked as Ex. P-7. The signatures in this document are not in dispute. It records that on 26.3.2014 at 3 p.m., the form was submitted and thereafter the time of oath was shown as 3 p.m. before the Returning Officer. This respondent had contested as an independent candidate.

(ii) Likewise Ex. P-8 is the form submitted by Chandu Ram Sahu, Son of Nakul Sahu of village Ghonch, who is arrayed as Respondent No. 9. It also records that the submission of nomination form was made on 26.3.2014 and the oath was administered on the same date, which shows the timing at 3 p.m. Ex.P-9 & P-10 have been marked twice as they are the second and third sets of nomination forms deposited by the candidate, which appears to be the similar form of Chandu Ram Sahu, son of Nakul Ram Sahu of village Ghonh. The forms were deposited in three sets. The document except Ex.P-8 the certificate of oath is not attached with Ex.P-9 & Ex.P-10.

(iii) The document Ex.P-11 is nomination form of Chandu Ram Sahu, son of Ram Bharosa Sahu of village Durgpali who is arrayed as Respondent No. 10. It also shows that submission of nomination form was made on 26.3.2014 and the oath was administered on the same day at about 3 p.m. Two sets of nomination paper of Chanduram Sahu are again marked as Ex.P-12 & Ex.P-13, however, no declaration of oath is attached to these two documents.

(iv) Ex. P-14 is the document of nomination form of Chandulal Sahu, son of Awadh Ram Sahu of village Gadseoni who is arrayed as Respondent No. 12. It also records the filing of nomination on 26.03.2014 and oath was shown to be administered on 26th March 2014 at about 3 p.m.

(v) Ex.P-15 pertains to nomination form of Chandulal Sahu, son of Tijoram Sahu of village Bhatigarh who is arrayed as Respondent No. 13 which also records that the submission of nomination form was made on 26.03.2015 and the oath was shown to be administered at 3 p.m. on the same day.

(vi) Ex.P-16 is the nomination form of Champalal Patel which shows that it was filed at 2.35 p.m., on 20.03.2014. Champalal Patel is arrayed as Respondent No. 17 in the petition. The nomination form of Champalal Patel is further marked as Ex.P-17 which does not contain any affirmation of oath. Another set of nomination form of Champalal Patel is marked as Ex.-P-18. The form Ex.P-17 is shown to be submitted on 20.03.2014and Ex.P-18 is shown to be submitted on 25.03.2014 by Champalal Patel at 3 p.m. One more set of nomination form by Champalal Patel is marked as Ex.P.-19 which appears to be of 25.03.2014 wherein time of deposit of nomination form is shown as 3.00 p.m. Likewise Ex.P-20 is also of Champalal Patel which shows that the nomination form was deposited at 3 p.m.

14. In all the aforesiad nomination papers the signatures of D.W.1 R. Sangeeta, the Returning Officer, have been admitted. The contention of the petitioner is that the nomiantions were submitted on 25.3.2014 at 3 p.m. and the oath of all six candidates were administrered at the same time at 3 p.m.. is not feasible and possible. Necessarily the issue raises a question of facts and a probabilities.

15. The returning officer R. Sangeeta is examined on behalf of the respondent. She being the primary evidence, the entire statement is evaluated. In her deposition it is stated that the date of filing of nomination was from the date of notification from 19.03.2014 to 26.03.2014. At para 4 of her statement it is stated that during elections, the nomination forms are accepted from 11 a.m. to 3 p.m. and according to the direction of the Election Commission, if any candidate files nomination papers uptill 3 'o clock, it cannot be refused. It is further stated that the acceptance of nomination paper was upto 3 o' clock, therefore, as per direction of election commission, the oath could have been given upto 12.00 hours in the midnight of the preceding day. The Returning Officer has further deposed that normally when the nominations are filed, at that time the oath is administered and in absence thereof, technically till 12 o' clock in the night of the same, day, the oath could have been administered.

16. The witness has furhter explained that on 19th. 20th & 21st of March 2014 (3 days) only one nomination was filed whereas on 24.03.2014, four nomination papers were received and on 25.03.2014, 3 nominations papers were received and on the last date of nomination i.e., 26.3.2014 as many as 28 nominations were filed. Explaining further fact, it is stated that on the basis of sale of nomination forms normally it is evaluated that how many nominations would come in the next coming days. therefore, all the preparations were already made, Explaining the procedure, the returning officer has further sated that as per the direction of the Election Commission if the candidates are present in the office premises for filing nominations before 3 p.m., then the candidates are issued tokens one by one and even after 3 p.m. accroding to token system, the nominations are accepted one by one since the candidates had tendered the nomination forms before the prescribed time of 3 p.m. it is specifically stated that an election officer cannot refuse any nomination. The returning officer has accepted the documents Ex. P-7, P-8, P-9, P-10, P-11, P-12, P-13, P-14, P-15, P-16 & P-17 which bear her signatures and also endorsed the fact that the signatures were made by the respective candidates before her. It is further contended that the petitioner has not objected at the time of filing of nomination anything in writing.

17. During the course of evidence on a direction given by the Court, the witness submitted that everything was recorded in the CD. Therefore, the witness was directed to verify the same and make submission after the CD is viewed by the witness. Pursuant thereot the witness was directed to specify at what time the oath was administered. Subsequently on 12.2.2016 the witness after verification of the CD asserted before the Court that she had administered the oath to candidates Chanduram Sahu, son of Nakul Sahu, Chandu Ram Sahu, son of Ram Bharosa Sahu ChanduRam Sahu, son of Pilau Ram Sahu, Chanduram Sahu, son of Awadh Ram Sahu, Chandulal Sahu, son of Tijoram Sahu i.e. 5 persons at 3 o' clock after their nominations were received.

18. So for as it relates to candidate Champalal, the documents show that his first nomination was received on 20.03.2014 at 2.35 p.m., and the oath was administered on 20.03.2014 at 2.35 p.m., itself. The said evidence remains unrebutted. No further challenge is made by the petitoner. The petitioner in his statement has deposed that it was impossible to receive, to check and then administer the oath at the same time in respect of the similarly named Candidates i.e. Chandulal Sahu or Chanduram Sahu at 3 p.m. is this context, if the entire evidence of the returning officer is surveyed it has been stated that if the candidates were physically present with their nomination forms before 3.00 p.m., then according to the token system their nominations are stated to be accepted at 3.00 p.m. Normally the time is shown as 3 p.m. for presentation and in lieu thereof some tokens were provided to the candidates. Further according to the token system the oath is administered either at the same time or subsequently till 12.oo hours in the midnight on the same date before the scrutiny. The said explanation cannot be shelved on the presumption and perceived opinion of the petittioner that when the time of nomniation was given at 3 p.m., and the oath is shown to be administered at 3 p.m., the same cannot be done at the same time as an impossible taks.

19. The explanation of the refurning officer goes to show and will have a positive interpretation that if some candidates deposits their nomination forms at the last moment i.e., at 3 p.m. as was done in the instant case, then in such case when the candidates are physically present then the nominations are not refused till the time prescribed. It is a natural consequence or more democratic procedure if the person who deposits the nomination form to contest an election, would not be refused instead the oath can be administered uptil 12 o; clock in the night preceding to the date of scrutiny. The returning officer in clarification after verification of the CD of persons has named the same person i.e., Chandulal Sahu or Chaduram Sahu who were 5 in number and has reiterated the fact that the oath was administered at the same time i.e., at 3 p.m.. It would be too technical to interpret that the deposit of nominations was made at 3 p.m., and the oath could not be administered at the same time at 3 p.m., to 5 persons of having similar names i.e., Chandulal Sahu/Chanduram Sahu.

20. Part-V of the Representation of the People Act, 1951 deals with conduct of elections wherein Chapter-1 deals with nomination of candidates. Section 30, 33 and 36 deal with appointment of dates for nominations, etc., presentation of nomination paper and requirements for a valid nomination and scrutiny of nominations. So far as it relates to the present case, relevant portions of Sections 30, 33 & 36 are reproduced herein below.

"30. Appointment of dates for nominations, etc.—As soon as the notification calling upon a constituency to elect a member or members is issued, the election commission shall, by notification in the official Gazette, appoint :—

(a) the last date for making nominations, which shall be the (seventh day) after the date of publication of the first mentioned notification or if that day is a public holiday, the next succeeding day which is not a public holiday;

(a) xx xx xx
(c) xx xx xx
(d) xx xx xx

Likewise section 33(1) reads as under

"33. Presentation of nomination paper and requirements for a valid nomination.—

(1) on or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer;

provided that xxx xxx xxx
provided that xxx xxx xxx
provided that xxx xxx xxx

Likewise relevant portion of section 36 reads as under;

"36 Scrutiny of nomination—

(1) On the date fixed for the scrutiny of nominations under section 30, the candidates, their election agents, one proposer of each candidate, and one other person duly authorized in

writing by each candidate but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary. inquiry, if any, as he thinks necessary, [reject] any nomination on any of the following grounds :—

(a) that on the date fixed for the scrutiny of nominations the candidate either is not a qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely :—
Articles 84, 102, 173 and 191
(Part II of this Act, and sections 4 and 14 of the Government of Union Territories Act, 1963 (20 of 1963).

(b) xxx xxx xxx

(c) xxx xxx xxx

(3) Nothing contained in clause [(b) or clause (c)] of sub-section (2) shall be deemed to authorize the [rejection] of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control;

Provided that in case [an objection is reised by the returning officer or is made by any other person] the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) xxx xxx xxx

(8) immediiately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board."

21. A conjoint Reading of sections 30, 33 and 36 together would show that the presentation of nominations can be made between 11 a.m. and 3 p.m. in the after noon to the returning officer. The evidence as available in this case would indicate that it is not disputed that the nomination papers were deposited on 26.03.2014. Under Section 36(2) of the Act of 1951 one of the grounds on which the nomination can be rejected is that on the date fixed for the scrutiny of nomination, the candidate is not qualified for being chosen to fill the seat under Article 84 of the Constitution for membership of Parliament. The expression "on the date fixed for scrutiny" u/s 36(2)(a) means on the whole of the day on which the scrutiny of nomination has to take place. In other words, the qualification must exist from the earliest moment of the day of the scrutiny. In the instant case, according to the statement of the returning officer, the oath was adminisered on 26.03.2014 itself. It is categorically stated that as per the direction issued by the Election Commission if the candidate presents his nomination, then in such a case, it cannot be refused and the oath can be administered till 12 o; clock in the midnight preceding the day. If the facts are looked into in a technical stand point, the Returning officer has

stated that she has received the nomination papers of Chanduram Sahu, son of Nakul Sahu, Chandu Ram Sahu, son of Ram Bharosa Sahu, Chandu Ram Sahu, son fo Pilau Ram Sahu, Chaduram Sahu, son of Awadh Ram Sahu and Chandulal Sahu, son of Tijoram Sahu at 3 o'clock and they were administered oath at 3 o'clock. The Act does not prohibit to file the nomination uptill 3 o;clock. So if more than one candidate filed nomination papers before or at 3 p.m. of the last day of filing nominations, then the Returning Officer was bound to accept it. The Act do not contemplate any time to administer oath. It only envisaged that before the scrutiny, the candidate must have taken oath. The aforesaid named candidates of Chanduram Sahu or Chandulal Sahu who were 5 in number have not come forward before the Court to rebut the evidence of the Returning Officer. The Act also do not put a rider that each candidate has to be administered oath individually. Therefore, natural inference can be drawn that the oath could have been administered in a group.

22. It is settled preposition that unless the election petitoner discharges its burden it cannot be assumed on the opinion of the candidate that the oath was not administered. Undoubtedly no objection was raised at the time of scrutiny. The candidates who were administered oath though were parties before this Court have not come up to say that they were not administered oath. It is only the petitioner who lost the election has raised such gound. This aspect is writ large that the returned candidate/respondent No. 1 Chandulal Sahu had sustained more damage as similarly named people had contested the election inasmuch as like named people would have shared his vote bank only. Therefore, when the candidates who were administered oath do not come up before the Court, it would be too technical to hold that such candidates were not administered oath.

23. A reference may usefully be made to the maximum *"Falsa demonstratio non nocet cum de corrore constat"* which means mere false description does not vitiate, if there be sufficient certainty as to the object *'Falsa demonstratio'* means an erroneous description of a person or a thing in a written instrument; and the above rules respecting it signifies that where the description is made up of more than one part, and one part is true, but the other false, there, if the part which is true describes the subject with sufficient legal certainty, the unture part will be rejected and will not vitiate the devise; the characterstic of cases within the rules being that the description, so far as it is false, apples to no subject at all, and, so far as it is true, applies to one only. (See Broom;s Legal Maxims; 10th Edition, pp 426-427), Broom quotes (at Pag 438) an example that an error in the proper name or in the surname of the legatee should not make the legacy void, provided it could be understood from the will what person was intended to be benefited thereby.

24. Applying the aforesaid principle to the present case, in sum and substance it can be inferred that even if the time of 3 o;clock is written by the Returning Officer with respect to the time of administration of oath, evaluating the same in the light of the avidence which is on record, the same cannot be said to be wrong on the face of it.

25. In case of *Durga Shankar Mehta v. Raghural Singh and others, AIR 1954 SC 250* the Supreme Court held that if the want of qualification does not appear on the face of the nomination paper or of the electoral roll but is a matter which could be established only by evidence, an enquiry at the stage of the scrutiny of the nomination papers is required under the Act only if there is any objection to the nomination. The Returning Officer is then bound to make such enquiry as he thinks proper on the result of which he can either accept or reject the nomination. But when the candidate appears to be properly qualified on the face of the electoral roll and the nomination paper and no objection is raised to the nomination, the Returning Officer has no other alternative but to accept the nomination.

26. It is true that mere failure of the appellant in raising objection to the validity of the nomination paper filed by the respondent before the returning officer does not stop or exclude the election petitioner from raising a plea before the High Court that some of the respondents were not administered oath. In this case, the same issue having raised and examined in the light of evidence, it goes to point out that the election petitioner has failed to substantiate the issue raised by adducing necessary evidence.

27. The Supreme Court further in case of *Ram Phal Kundu Vs. Kamal Sharma 2004 AIR SCW 1043* reiterated the principle laid down in *Jeet Mohinder Singh V. Harminder Singh Jassi, 1999 (9) SCC* which reads as under;

"The success of a candidate who has won an election should not be lightly interfered with. Any petition seeking such interference must strictly conform to the requirements of the law. Though the purity of the election process has to be safeguarded and the Court shall be vigllant to see that the people do not get elected by flagrant breaches of law or by committing corrupt practices, the setting aside of an election involves serious consequences not only for the returned candidate and the constituency, but also for the public at large inasmuch as re-election involves an enormous load on the public funds and administration."

28. The law applicable in this case do not mandate that the oath has to be administered on a certian point of time. The only bar is that before the scrutiny is held, the candidate should have taken oath. Nothing is on record to rebut such fact that before the scrutiny was made, no oath was administered. Therefore, when the allegations are put to issue, it should have been proved by clear, cogent and credible evidence and it has to be proved to the hilt as the standard of proof being the same as that in a criminal trial.

29. In the facts and circumstances of the present case, after survey of the entire evidence, this court is of the opinion that the election petitioner has failed to prove his case beyond reasonable doubt. The pleading and evidence of the petitioner are too vague and are only premised over self opinion or are based on surmises and conjectures.

30. In the result, it is held that the petitoner has filaed in making out a case for setting aside the election of respondent.

31. As an upshot of the above discussion, the petiton is devoid of any force and is liable to be dismissed. In the facts and circumstances of the case, the parties shall bear their own costs.

Sd/-
Goutam Bhaduri
Judge.

आदेश से,

हस्ता./-
(के. एन. भार)
सचिव
भारत निर्वाचन आयोग.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, dated 14th June, 2017—24 Jyaistha, 1939 (Saka)

NOTIFICATION

No. 82/CG-HP/(14/2014)/2017.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes order dated the 19th July, 2016 of the High Court of Chhattisgarh Bilaspur in Election Petition No. 14 of 2014.

HIGH COURT OF CHHATTISGARH, BILASPUR

E.P. No. 14 of 2014

PETITIONER : 1. Ajit Pramod Kumar Jogi S/o K. P. Jogi Aged About 68 Years R/Anugrah, Sagun Bunglow, Civil Lines, Raipur (C.G.)

VERSUS

RESPONDENTS : 1. Chandulal Sahu S/o Late Punitram Sahu Aged About 54 Years R/o Shivaji Chowk, Aamapara, Rajim, Distt. Gariyaband C.G.

2. Kanhaiyalal Sahu S/o Mohanlal Sahu Aged About 51 Years R/o Ramsagarpara, Aamatalab Road, Dhamtari, Distt. Dhamtari C.G.

3. Smt. Abha Pandey W/o Purushottam Pandey Aged About 32 Years R/o Professors Colony, Street No. 15, Sector-3, Raipur C.G.

4. Smt. Kumari @ Preeti Dhruv D/o Pankuram Aged about 33 Years W/o Jai Prakash Dhruv, R/o Hardi, Post-Ghonch, Tah. Pithora, Distt. Mahasamund C.G.

5. Mohanlal Patel S/o Jaijai Patel Aged About 51 Years R/o Bajibahal, Post-Singhora, Tah. Saraipali, Distt. Mahasamund C.G.

6. Laxman Masturiya S/o Kundan Das Masturiya Aged About 64 Years R/o Sector-1, Durga Chowk, House No. 160, Professors Colony, Raipur C.G.

7. Shridhar Chandrakar S/o Manharan Lal Chandrakar Aged About 42 Years R/o Ward No. 13, Purani Basti, Kurmipara, Jagannathi Chowk, Mahasamund C.G.

8. Gangadhar Patel S/o Bodhram Patel Aged About 53 Years R/o Chuipali, Post-Singhora, Via-Saraipali, Distt. Mahasamund C.G.

9. Chanduram Sahu S/o Nakul Sahu Aged About 56 Years R/o Ghonch, Tah. Pithora, Distt. Mahasamund C.G.

10. Chanduram Sahu S/o Rambharosa Sahu Aged About 58 Years R/o Durgpali, Tah. Pithora, Mahasamund C.G.

11. Chandu Ram Sahu S/o Pilauram Sahu Aged About 60 Years R/o Tundra, Post-Tundra, Distt. Baloda Bazar C.G.

12. Chandu Lal Sahu S/o Awadha Ram Sahu Aged About 25 Years R/o Garhsivni, Tah. Mahasamund, Distt. Mahasamund C.G.

13. Chadu Lal Sahu S/o Tiju Ram Aged About 26 Years R/o Bhatigarh, Post-Bhatigarh, Thana-Mainpur, Distt. Gariyaband C.G.

14. Chandulal Sahu S/o Parmanand Sahu Aged About 61 years R/o Toulidih, Tah. Bhatgaon, Distt. Baloda Bazar C.G.

15. Chandulal Sahu S/o Balchand Sahu Aged About 32 Years R/o Manjitha, Tah. Aarang, Distt. Raipur C.G.

16. Chandulal Sahu S/o Somelal Sahu Aged About 40 Years, R/o Goindra, Post-Goindri, P.S. Pathariya, Distt. Mungeli C.G.

17. Champalal Patel S/o Somnath Patel Aged About 47 Years R/o Mararkasi Bahra, P..O. Charoda Bandh, Tah. Bagbahra, Distt. Mahasamund C.G.

18. Chandulal Sahu S/o Nathuram Sahu Aged About 40 Years R/o Tarpongi, Post-Mohandi, Distt. Mahasamund C.G.

19. Chandulal Sahu S/o Sonulal Sahu Aged About 42 Years R/o Temri, Tah. Dharsiwa, Distt.-Raipur C.G.

20. Dev Prasad Kelkar S/o Kodu Kelkar Aged About 50 Years R/o Barekelkala, Post-Bartora, Mahasamund C.G.

21. Motilal Sahu S/o Bajarharam Sahu Aged About 35 Years R/o Bauli, Tah. Pathariya, Distt. Mungeli C.G.

22. Motilal Sahu S/o Sonlal Sahu Aged about 35 Years R/o House No. 295g. Naya Mangal Bazaar, Gudhiyari, Raipur C.G.

23. Rupanand Sui S/o Gourango Sui Aged About 38 Years R/o Village-Rajasewaiya, Khurd, Tah. Pithora, Distt. Mahasamund C.G.

24. Vijay Kumar Patel S/o Santosh Patel Aged About 44 Years R/o Rimji, Post-Kalenda, Saraipali, Distt, Mahasamund C.G.

25. Sukhnandan Deshkar S/o Sudarshan Deshkar Aged About 43 Years R/o Harnadadar, Post-Chuapali, Tah. Bagbahra, Distt. Mahasamund C.G.

26. Hemant Pradhan S/o Meghnath Pradhan Aged About 53 Years R/o Durgpali, Tah. Basna, Distt. Mahasamund C.G.

For the applicants : Dr. N.K. Shukla, Sr. Advocate with Mr. Shiv Shankar Tiwari, Advocate.

For Respondent No. 1 : Mr. U.N. Awasthy, Sr. Advocate with Mrs. Raksha Awasthi, Mr. Ramakant Mishra & Mr. Surendra Kumar Dewangan, Advocates.

For Respondent No. 9 : Mr. Kshitiz Sharma, Advocate.

For Respondent No. 13 : Mr. Maneesh Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

CAV JUDGMENT

19.07.2016

1. The instant petition is concerned with the election to the Parliament of India of Mahasamund Parliamentary Constituency bearing No. 9 in such constituency, the petitioner contested the election and was sponsored on behalf of Indian National Congress Party whereas respondent No. 1 Chandulal Sahu, son of late Punitram Sahu contested for and on behalf of Bhartiya Janta Party. The election was held as per the following schedule.

(i)	Last Date of filing of nomination paper	26-03-2014
(ii)	Date of scrutiny of nomination papers	27-03-2014
(iii)	Last date of withdrawal of nominations	29-03-2014
(iv)	Date of Polling	17-04-2014
(v)	Date of Counting	16-05-2014
(vi)	Date of declaration of election result	16-05-2014

2. Respondent No. 1 was declared elected as returned candidate who secured the total votes of 503514 whereas the petitioner secured votes of 502297. Apart from respondent No. 1 Chandulal Sahu, son of Punitram Sahu, 9 other semilarly named candidates contested the election in the name of Chandulal Sahu or Chanduram Sahu.

3. The primary challege made by the petitioner is that the nomination papers of six other similarly named persons i.e., Chandulal Sahu or Chanduram Sahu were improperly accepted by the returning officer in violation of Article 84 of the Constitution of India which mandates that a person shall not be qualified to be chosen to fill a seat in parliament unless he is citizen of India and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in third schedule. During the course of submission Shri N.K. Shukla, learned Senior Advocate appearing for the petitioner would submit that Article 84 of the Constitution of India is framed in negative phraseology, therefore, on reading Article 84 of the Constitution of India along-with section 100 of the Representation of the People Act, 1951 (hereinafter referred to as the Act, 1951), would indicate that as per Section 100(1)(d)(i) if improper acceptance of any nomination is made, then it would fall within the ambit of Section 100 which stipulates the grounds for declareing the election to be void. It is stated that six persons were not administered oath as per Article 84. The counsel would submit that on 26.03.2014 at 3 p.m., six persons were said to have administered oath at the same time. It is contended that on bare evaluation, it would lead to show that the oath was not actually administered. Referring to the evidence of D.W. 1, the returning officer, the counsel would submit that according to the Returning officer, the oath was administered at 3 p.m., and the nomination papers were also submitted at 3 p.m., which would be evident from Ex. P.7 onwards to Ex. P-20. It is contended that the time of administration of oath is recorded along with time of submission of nomination papers, therefore, any oral evidence as against this would not be inadmissible in view of Section 91 of the Evidence Act.

4. Placing reliance in AIR 1984 SC Pg. 146, it is stated that the votes of candidates whose nominations were improperly accepted were of 21745 and since their nominations were improperly accepted as such the same has materially affected the result of election, therefore, the entire election becomes void. It is further stated that while exercising jurisdiction by the Election Tribunal, the Tribunal exercises its jurisdiction on its original side, therefore, the petitioner would be at liberty to raise any grounds which are against Article 84 of the Constitution of India. He further submitted that in reply to election petition, evasive reply has been made, therefore, the same amounts to admission and the facts enumerated in the election petition would amount to acceptance and accordingly the election be set aside.

5. Per contra, learned cousel for respondent No. 1 Shri U.N. Awasthi, Sr. Advocate, would submit that on evasive grounds and presumption, the election petition has been filed. It is submitted that the petitioner, of his own, has decided the issue that the nominations were improperly accepted, therefore, the election is void, which cannot be accepted. Referring to AIR 1969 SC 1034, it is stated that in an election, the nomination has to be first made, thereafter the oath is administered. Referring to Format, the cousel would submit that the format which has been accepted would show that initially the nomination was made and subsequent to it the oath was administered. The counsel referred to the statement of D.W. 1 and stated that the time of filing of nomination was upto 3 p.m., and when the nomination was made, the oath could have been administered till the mid night as per the direction of the Election Commission as the nominations could not have been refused.

6. It is further submitted that the Election Commission has the power to give direction as has been held in AIR 2014 SC 3102. Therefore, the direction has been given that when the candidate files the nomination then till mid night of that date oath could have been administered. It is stated that in such situation, the time of administration of oath has to be interpreted that the oath is administered on the same date before the scrutiny of nomination papers. It is futher submitted at the behest of the petitioner that similarly named persons Chandulal Sahu or Chanduram Sahu were collected from different places, their accounts were opened at serial numberwise in the bank and in a preplanned manner their nomination papers were submitted at 3 pm., and subsequently they were administered oath. It is further contended that the entire effort was made by the petitioner as the voters who voted for similarly named contesting candidates i.e., Chandulal Sahu or Cahnduram Sahu would have naturally damaged the vote bank of respondent No. 1 Chandulal Sahu and not that or election petitoner Ajit Pramod Kumar Jogi. He, therefore, submits that the petiton is completely frivolous as the petitioner when failed to be elected by democratic process despite all his effort now challenge is made in the election petition on frivolous grounds, therefore, the petition be dismissed with exemplary costs.

7. On the basis of pleadings, by order dated 14.07.2015 the court had framed two issues as under.

Sr. No.	Issue	Finding
(i)	"Whether the result of the election so far as it relates to the returned candidate/ Respondent No. 1 Chandulal Sahu has been materially affected by non-compliance of the provisions of the Constitution of india and the Representation of the People Act, 1951 or any Rules framed thereunder ?	Not proved
(ii)	Any other relief which this Court deems fit shall also be considered at the time of final hearing.	"Not entitled to any relief"

8. The petitioner on his behalf had examined K.K. Behar, Deputy Election Officer as P.W. 1 and the petitioner himself P.W. 2. The respondents on their behalf had examined R. Sangeeta as D.W. 1, the returning officer and Chandulal Sahu, D.W. 2.

9. From the pleadings made, evidence adduced and the submissions made, the entire challenge as projected is primarily on the ground that six candidates were not administered oath, thereby improper acceptance of nomination was made by the returning officer in violation of article 84 of the Constitution of India. The contention of the petitioner is that since the oath was not administered and was impossible at the same time of 3 p.m., therefore, the administration of oath is per-se illegal. Since the entire thrust is about administration of correctness of oath and reference is made to Article 84 of the Constitution of India, the said article which

would be relevant for the purpose is reproduced hereunder.

10. Article 84 speaks about qualifiaction for membership of parliament which reads as under;

"84 Qualification for membership of Parliament.—A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

(a) is a citizen of India, and makes and scribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty five years of age; and

(c) Possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament."

11. Likewise the relevant Section 100(1)(d)(i) of Representation of People Act, 1951 which would govern the present lis which reads as under :

100. Grounds for declaring election to be void.—(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

(a) xxx

(b) xxx

(c) xxx

(d) that the result of the election, in so far as it concerns a returned candidate, has been materi ally affected—

(i) by improper acceptance of any nomination, or

(ii) xxx

(iii) xxx

(iv) xxx

the High Court shall declare the election of the returned candidate to be void.

12. The entire question which falls for consideration in this case is as to whether the improper acceptance of nomination forms or non-administration of oath of six candidates as alleged by the petitioner is proved beyond all reasonable doubt ?

13. (i) in order to find out the answer when survey is made of the evidence, it would show that the nomiantion form of Chandulal Sahu, son of Pilau Ram Sahu, son of village Tundra arrayed as respondent No. 11 is marked as Ex. P-7. The signatures in this document are not in dispute. It records that on 26.3.2014 at 3 p.m., the form was submitted and thereafter the time of oath was shown as 3 p.m. before the Returning Officer. This respondent had contested as an independent candidate.

(ii) Likewise Ex. P-8 is the form submitted by Chandu Ram Sahu, Son of Nakul Sahu of village Ghonch, who is arrayed as Respondent No. 9. It also records that the submission of nomination form was made on 26.3.2014 and the oath was administered on the same date, which shows the timing at 3 p.m. Ex.P-9 & P-10 have been marked twice as they are the second and third sets of nomination forms deposited by the candidate, which appears to be the similar form of Chandu Ram Sahu, son of Nakul Ram Sahu of village Ghonh. The forms were deposited in three sets. The document except Ex.P-8 the certificate of oath is not attached with Ex.P-9 & Ex.P-10.

(iii) The document Ex.P-11 is nomination form of Chandu Ram Sahu, son of Ram Bharosa Sahu of village Durgpali who is arrayed as Respondent No. 10. It also shows that submission of nomination form was made on 26.3.2014 and the oath was administered on the same day at about 3 p.m. Two sets of nomination paper of Chanduram Sahu are again marked as Ex.P-12 & Ex.P-13, however, no declaration of oath is attached to these two documents.

(iv) Ex. P-14 is the document of nomination form of Chandulal Sahu, son of Awadh Ram Sahu of village Gadseoni who is arrayed as Respondent No. 12. It also records the filing of nomination on 26.03.2014 and oath was shown to be administered on 26th March 2014 at about 3 p.m.

(v) Ex.P-15 pertains to nomination form of Chandulal Sahu, son of Tijoram Sahu of village Bhatigarh who is arrayed as Respondent No. 13 which also records that the submission of nomination form was made on 26.03.2015 and the oath was shown to be administered at 3 p.m. on the same day.

(vi) Ex.P-16 is the nomination form of Champalal Patel which shows that it was filed at 2.35 p.m., on 20.03.2014. Champalal Patel is arrayed as Respondent No. 17 in the petition. The nomination form of Champalal Patel is further marked as Ex.P-17 which does not contain any affirmation of oath. Another set of nomination form of Champalal Patel is marked as Ex.-P-18. The form Ex.P-17 is shown to be submitted on 20.03.2014and Ex.P-18 is shown to be submitted on 25.03.2014 by Champalal Patel at 3 p.m. One more set of nomination form by Champalal Patel is marked as Ex.P.-19 which appears to be of 25.03.2014 wherein time of deposit of nomination form is shown as 3.00 p.m. Likewise Ex.P-20 is also of Champalal Patel which shows that the nomination form was deposited at 3 p.m.

14. In all the aforesiad nomination papers the signatures of D.W.1 R. Sangeeta, the Returning Officer, have been admitted. The contention of the petitioner is that the nomiantions were submitted on 25.3.2014 at 3 p.m. and the oath of all six candidates were administrered at the same time at 3 p.m.. is not feasible and possible. Necessarily the issue raises a question of facts and a probabilities.

15. The returning officer R. Sangeeta is examined on behalf of the respondent. She being the primary evidence, the entire statement is evaluated. In her deposition it is stated that the date of filing of nomination was from the date of notification from 19.03.2014 to 26.03.2014. At para 4 of her statement it is stated that during elections, the nomination forms are accepted from 11 a.m. to 3 p.m. and according to the direction of the Election Commission, if any candidate files nomination papers uptill 3 'o clock, it cannot be refused. It is further stated that the acceptance of nomination paper was upto 3 o' clock, therefore, as per direction of election commission, the oath could have been given upto 12.00 hours in the midnight of the preceding day. The Returning Officer has further deposed that normally when the nominations are filed, at that time the oath is administered and in absence thereof, technically till 12 o' clock in the night of the same, day, the oath could have been administered.

16. The witness has furhter explained that on 19th. 20th & 21st of March 2014 (3 days) only one nomination was filed whereas on 24.03.2014, four nomination papers were received and on 25.03.2014, 3 nominations papers were received and on the last date of nomination i.e., 26.3.2014 as many as 28 nominations were filed. Explaining further fact, it is stated that on the basis of sale of nomination forms normally it is evaluated that how many nominations would come in the next coming days. therefore, all the preparations were already made, Explaining the procedure, the returning officer has further sated that as per the direction of the Election Commission if the candidates are present in the office premises for filing nominations before 3 p.m., then the candidates are issued tokens one by one and even after 3 p.m. accroding to token system, the nominations are accepted one by one since the candidates had tendered the nomination forms before the prescribed time of 3 p.m. it is specifically stated that an election officer cannot refuse any nomination. The returning officer has accepted the documents Ex. P-7, P-8, P-9, P-10, P-11, P-12, P-13, P-14, P-15, P-16 & P-17 which bear her signatures and also endorsed the fact that the signatures were made by the respective candidates before her. It is further contended that the petitioner has not objected at the time of filing of nomination anything in writing.

17. During the course of evidence on a direction given by the Court, the witness submitted that everything was recorded in the CD. Therefore, the witness was directed to verify the same and make submission after the CD is viewed by the witness. Pursuant thereot the witness was directed to specify at what time the oath was administered. Subsequently on 12.2.2016 the witness after verification of the CD asserted before the Court that she had administered the oath to candidates Chanduram Sahu, son of Nakul Sahu, Chandu Ram Sahu, son of Ram Bharosa Sahu ChanduRam Sahu, son of Pilau Ram Sahu, Chanduram Sahu, son of Awadh Ram Sahu, Chandulal Sahu, son of Tijoram Sahu i.e. 5 persons at 3 o' clock after their nominations were received.

18. So for as it relates to candidate Champalal, the documents show that his first nomination was received on 20.03.2014 at 2.35 p.m., and the oath was administered on 20.03.2014 at 2.35 p.m., itself. The said evidence remains unrebutted. No further challenge is made by the petitoner. The petitioner in his statement has deposed that it was impossible to receive, to check and then administer the oath at the same time in respect of the similarly named Candidates i.e. Chandulal Sahu or Chanduram Sahu at 3 p.m. is this context, if the entire evidence of the returning officer is surveyed it has been stated that if the candidates were physically present with their nomination forms before 3.00 p.m., then according to the token system their nominations are stated to be accepted at 3.00 p.m. Normally the time is shown as 3 p.m. for presentation and in lieu thereof some tokens were provided to the candidates. Further according to the token system the oath is administered either at the same time or subsequently till 12.oo hours in the midnight on the same date before the scrutiny. The said explanation cannot be shelved on the presumption and perceived opinion of the petittioner that when the time of nomniation was given at 3 p.m., and the oath is shown to be administered at 3 p.m., the same cannot be done at the same time as an impossible taks.

19. The explanation of the refurning officer goes to show and will have a positive interpretation that if some candidates deposits their nomination forms at the last moment i.e., at 3 p.m. as was done in the instant case, then in such case when the candidates are physically present then the nominations are not refused till the time prescribed. It is a natural consequence or more democratic procedure if the person who deposits the nomination form to contest an election, would not be refused instead the oath can be administered uptil 12 o; clock in the night preceding to the date of scrutiny. The returning officer in clarification after verification of the CD of persons has named the same person i.e., Chandulal Sahu or Chaduram Sahu who were 5 in number and has reiterated the fact that the oath was administered at the same time i.e., at 3 p.m.. It would be too technical to interpret that the deposit of nominations was made at 3 p.m., and the oath could not be administered at the same time at 3 p.m., to 5 persons of having similar names i.e., Chandulal Sahu/Chanduram Sahu.

20. Part-V of the Representation of the People Act, 1951 deals with conduct of elections wherein Chapter-1 deals with nomination of candidates. Section 30, 33 and 36 deal with appointment of dates for nominations, etc., presentation of nomination paper and requirements for a valid nomination and scrutiny of nominations. So far as it relates to the present case, relevant portions of Sections 30, 33 & 36 are reproduced herein below.

"30. Appointment of dates for nominations, etc.—As soon as the notification calling upon a constituency to elect a member or members is issued, the election commission shall, by notification in the official Gazette, appoint :—

(a) the last date for making nominations, which shall be the (seventh day) after the date of publication of the first mentioned notification or if that day is a public holiday, the next succeeding day which is not a public holiday;

(a) xx xx xx
(c) xx xx xx
(d) xx xx xx

Likewise section 33(1) reads as under

"33. Presentation of nomination paper and requirements for a valid nomination.—

(1) on or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer;

provided that xxx xxx xxx
provided that xxx xxx xxx
provided that xxx xxx xxx

Likewise relevant portion of section 36 reads as under;

"36 Scrutiny of nomination—

(1) On the date fixed for the scrutiny of nominations under section 30, the candidates, their election agents, one proposer of each candidate, and one other person duly authorized in

writing by each candidate but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary. inquiry, if any, as he thinks necessary, [reject] any nomination on any of the following grounds :—

(a) that on the date fixed for the scrutiny of nominations the candidate either is not a qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely :—
Articles 84, 102, 173 and 191
(Part II of this Act, and sections 4 and 14 of the Government of Union Territories Act, 1963 (20 of 1963).

(b) xxx xxx xxx

(c) xxx xxx xxx

(3) Nothing contained in clause [(b) or clause (c)] of sub-section (2) shall be deemed to authorize the [rejection] of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control;

Provided that in case [an objection is reised by the returning officer or is made by any other person] the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) xxx xxx xxx

(8) immediiately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board."

21. A conjoint Reading of sections 30, 33 and 36 together would show that the presentation of nominations can be made between 11 a.m. and 3 p.m. in the after noon to the returning officer. The evidence as available in this case would indicate that it is not disputed that the nomination papers were deposited on 26.03.2014. Under Section 36(2) of the Act of 1951 one of the grounds on which the nomination can be rejected is that on the date fixed for the scrutiny of nomination, the candidate is not qualified for being chosen to fill the seat under Article 84 of the Constitution for membership of Parliament. The expression "on the date fixed for scrutiny" u/s 36(2)(a) means on the whole of the day on which the scrutiny of nomination has to take place. In other words, the qualification must exist from the earliest moment of the day of the scrutiny. In the instant case, according to the statement of the returning officer, the oath was adminisered on 26.03.2014 itself. It is categorically stated that as per the direction issued by the Election Commission if the candidate presents his nomination, then in such a case, it cannot be refused and the oath can be administered till 12 o; clock in the midnight preceding the day. If the facts are looked into in a technical stand point, the Returning officer has

stated that she has received the nomination papers of Chanduram Sahu, son of Nakul Sahu, Chandu Ram Sahu, son of Ram Bharosa Sahu, Chandu Ram Sahu, son fo Pilau Ram Sahu, Chaduram Sahu, son of Awadh Ram Sahu and Chandulal Sahu, son of Tijoram Sahu at 3 o'clock and they were administered oath at 3 o'clock. The Act does not prohibit to file the nomination uptill 3 o;clock. So if more than one candidate filed nomination papers before or at 3 p.m. of the last day of filing nominations, then the Returning Officer was bound to accept it. The Act do not contemplate any time to administer oath. It only envisaged that before the scrutiny, the candidate must have taken oath. The aforesaid named candidates of Chanduram Sahu or Chandulal Sahu who were 5 in number have not come forward before the Court to rebut the evidence of the Returning Officer. The Act also do not put a rider that each candidate has to be administered oath individually. Therefore, natural inference can be drawn that the oath could have been administered in a group.

22. It is settled preposition that unless the election petitoner discharges its burden it cannot be assumed on the opinion of the candidate that the oath was not administered. Undoubtedly no objection was raised at the time of scrutiny. The candidates who were administered oath though were parties before this Court have not come up to say that they were not administered oath. It is only the petitioner who lost the election has raised such gound. This aspect is writ large that the returned candidate/respondent No. 1 Chandulal Sahu had sustained more damage as similarly named people had contested the election inasmuch as like named people would have shared his vote bank only. Therefore, when the candidates who were administered oath do not come up before the Court, it would be too technical to hold that such candidates were not administered oath.

23. A reference may usefully be made to the maximum *"Falsa demonstratio non nocet cum de corrore constat"* which means mere false description does not vitiate, if there be sufficient certainty as to the object *'Falsa demonstratio'* means an erroneous description of a person or a thing in a written instrument; and the above rules respecting it signifies that where the description is made up of more than one part, and one part is true, but the other false, there, if the part which is true describes the subject with sufficient legal certainty, the unture part will be rejected and will not vitiate the devise; the characterstic of cases within the rules being that the description, so far as it is false, apples to no subject at all, and, so far as it is true, applies to one only. (See Broom;s Legal Maxims; 10th Edition, pp 426-427), Broom quotes (at Pag 438) an example that an error in the proper name or in the surname of the legatee should not make the legacy void, provided it could be understood from the will what person was intended to be benefited thereby.

24. Applying the aforesaid principle to the present case, in sum and substance it can be inferred that even if the time of 3 o;clock is written by the Returning Officer with respect to the time of administration of oath, evaluating the same in the light of the avidence which is on record, the same cannot be said to be wrong on the face of it.

25. In case of *Durga Shankar Mehta v. Raghural Singh and others, AIR 1954 SC 250* the Supreme Court held that if the want of qualification does not appear on the face of the nomination paper or of the electoral roll but is a matter which could be established only by evidence, an enquiry at the stage of the scrutiny of the nomination papers is required under the Act only if there is any objection to the nomination. The Returning Officer is then bound to make such enquiry as he thinks proper on the result of which he can either accept or reject the nomination. But when the candidate appears to be properly qualified on the face of the electoral roll and the nomination paper and no objection is raised to the nomination, the Returning Officer has no other alternative but to accept the nomination.

26. It is true that mere failure of the appellant in raising objection to the validity of the nomination paper filed by the respondent before the returning officer does not stop or exclude the election petitioner from raising a plea before the High Court that some of the respondents were not administered oath. In this case, the same issue having raised and examined in the light of evidence, it goes to point out that the election petitioner has failed to substantiate the issue raised by adducing necessary evidence.

27. The Supreme Court further in case of *Ram Phal Kundu Vs. Kamal Sharma 2004 AIR SCW 1043* reiterated the principle laid down in *Jeet Mohinder Singh V. Harminder Singh Jassi, 1999 (9) SCC* which reads as under;

"The success of a candidate who has won an election should not be lightly interfered with. Any petition seeking such interference must strictly conform to the requirements of the law. Though the purity of the election process has to be safeguarded and the Court shall be vigllant to see that the people do not get elected by flagrant breaches of law or by committing corrupt practices, the setting aside of an election involves serious consequences not only for the returned candidate and the constituency, but also for the public at large inasmuch as re-election involves an enormous load on the public funds and administration."

28. The law applicable in this case do not mandate that the oath has to be administered on a certian point of time. The only bar is that before the scrutiny is held, the candidate should have taken oath. Nothing is on record to rebut such fact that before the scrutiny was made, no oath was administered. Therefore, when the allegations are put to issue, it should have been proved by clear, cogent and credible evidence and it has to be proved to the hilt as the standard of proof being the same as that in a criminal trial.

29. In the facts and circumstances of the present case, after survey of the entire evidence, this court is of the opinion that the election petitioner has failed to prove his case beyond reasonable doubt. The pleading and evidence of the petitioner are too vague and are only premised over self opinion or are based on surmises and conjectures.

30. In the result, it is held that the petitoner has filaed in making out a case for setting aside the election of respondent.

31. As an upshot of the above discussion, the petiton is devoid of any force and is liable to be dismissed. In the facts and circumstances of the case, the parties shall bear their own costs.

Sd/-
Goutam Bhaduri
Judge.

By order,

Sd/-
(K. N. BHAR)
Secretary,
Election Commission of India.

उच्च न्यायालय के आदेश और अधिसूचनाएं

HIGH COURT OF CHHATTISGARH, BILASPUR

Bilaspur, the 21st September 2017

No. 1061/Confdl./2017/II-3-2/2002 (Part.-II).—The following probationary Civil Judges Class-II of Lower Judicial Service, are hereby, issued certificate of confirmation in terms of sub-rule (5) of Rule 11 of the Chhattisgarh Lower Judicial Service (Recruitment & Conditions of Service) Rules, 2006 :—

S. No. (1)	Name of Officer (2)
1.	Shri Vyankatesh Singh
2.	Shri Bhupat Singh Sahu
3.	Ms. Shubhda Goyal
4.	Shri Mohit Singh
5.	Shri Mahesh Babu Sahu
6.	Shri Rosemin Rajesh Xaxa
7.	Ku. Reshma Bairagi
8.	Shri Satish Kumar Khakha
9.	Shri Nixion Daved Lakra

Note :— 1. The relative seniority of Shri Vyankatesh Singh shall be below the name of Smt. Manisha Thakur and above the name of Shri Radheshyam Dhruw.

2. The relative seniority of other officers mentioned at Sl. No. 2-9 shall enblock be below the name of Smt. Chandrakala Devi Sahu and above the mame of Ku. Neha Yati.

Bilaspur, the 22nd September 2017

No. 1063/Confdl./2017/II-3-14/2000 (Pt.-II).—On the basis of application dated 29-06-2017 of Smt. Rajni Dube, Member of Higher Judicial Service and presently posted as Registrar (Vigilance), High Court of Chhattisgarh, Bilaspur the spelling of her name is corrected as "Rajani Dubey" in place of "Rajni Dube". It is directed that necessary changes be affected in all her records.

Bilaspur, the 6th October 2017

No. 1085/Confdl./2017/II-3-14/2000.—On the basis of application Ku. Amrita, Member of Lower Judicial Service, presently posted as secretary, District Legal Services Authority, Uttar Bastar (Kanker), she is hereby, permitted to change her name as "Smt. Amrita Dinesh Mishra" in place of "Ku. Amrita" and to incorporate the name of her husband Shri Dinesh Mishra in her service records. It is directed that necessary change be affecte in all her records.

By the order of Hon'ble Chief Justice,
GAUTAM CHOURADIA, Registrar General.

Bilaspur, the 13th September 2017

No. 64/L.G./2017/II-2-15/2007.—Smt. Vimla Singh Kapoor, Principal Judge, Family Court, Raipur is hereby, granted earned leave for 12 days from 11-07-2017 to 22-07-2017 along with permission to remain out of headquarters from 15-07-2017 to 23-07-2017.

During the period of earned leave, she shall be entitled to leave salary equal to pay drawn immediately before proceeding on leave as aforementioned.

Certified that if Smt. Kapoor, had not proceeded on leave as aforementioned then she would have been working on the same post.

After deduction of the aforementioned leave, 300+03 days of earned leave are remaining in her leave account as on date.

Bilaspur, the 13th September 2017

No. 65/L.G./2017/II-3-3/2011.—Shri Rajnish Shrivastava, District & Sessions Judge, Jashpur is hereby, granted earned leave for 08 days from 27-07-2017 to 03-08-2017 along with permission to leave headquarters from the evening of 26-07-2017 till the morning of 04-08-2017.

During the period of earned leave, he shall be entitled to leave salary equal to pay drawn immediately before proceeding on leave as aforementioned.

Certified that if Shri Shrivastava, had not proceeded on leave as aforementioned then he would have been working on the same post.

After deduction of the aforementioned leave, 300+07 days of earned leave are remaining in his leave account as on date.

Bilaspur, the 13th September 2017

No. 66/L.G./2017/II-3-4/2010.—Smt. Rajni Dube, Registrar (vigilance), High Court of Chhattisgarh, Bilaspur, is hereby, granted earned leave for 09 days from 28-07-2017 to 05-08-2017 along with permission to leave headquarters.

During the period of earned leave, she shall be entitled to leave salary equal to pay drawn immediately before proceeding on leave as aforementioned.

Certified that if Smt. Dube, had not proceeded on leave as aforementioned then she would have been working on the same post.

After deduction of the aforementioned leave, 106 days of earned leave are remaining in her leave account as on date.

Bilaspur, the 13th September 2017

No. 67/L.G./2017/II-2-43/2004.—Shri Prabhat Kumar Shastri, Judge Family Court, Manendragarh, District-Koriya is hereby, granted earned leave for 04 days from 08-08-2017 to 11-08-2017 along with permission to leave headquarters from 06-08-2017 to 15-08-2017.

During the period of earned leave, he shall be entitled to leave salary equal to pay drawn immediately before proceeding on leave as aforementioned.

Certified that if Shri Shastri, had not proceeded on leave as aforementioned then he would have been working on the same post.

After deduction of the aforementioned leave, 300+08 days of earned leave are remaining in his leave account as on date.

Bilaspur, the 13th September 2017

No. 68/L.G./2017/II-3-13/2008.—Shri Rajesh Kumar Shrivastava, District & Sessions Judge, Janjgir-Champa is hereby, granted earned leave for 04 days from 08-08-2017 to 11-08-2017 along with permission to remain out of headquarters after the Court hours of 05-08-2017 till 13-08-2017.

During the period of earned leave, he shall be entitled to leave salary equal to pay drawn immediately before proceeding on leave as aforementioned.

Certified that if Shri Shrivastava, had not proceeded on leave as aforementioned then he would have been working on the same post.

After deduction of the aforementioned leave, 300+11 days of earned leave are remaining in his leave account as on date.

Bilaspur, the 13th September 2017

No. 69/L.G./2017/II-2-11/2017.—Dr. Pragya Pachouri, Judge, Family Court, Rajnandgaon is hereby, granted earned leave for 04 days from 08-08-2017 to 11-08-2017 along with permission to leave headquarters from 06-08-2017 to 14-08-2017.

During the period of earned leave, she shall be entitled to leave salary equal to pay drawn immediately before proceeding on leave as aforementioned.

Certified that if Smt. Pachouri, had not proceeded on leave as aforementioned then she would have been working on the same post.

After deduction of the aforementioned leave, 130 days of earned leave are remaining in her leave account as on date.

Bilaspur, the 13th September 2017

No. 70/L.G./2017/II-2-17/2006.—Shri A. L. Joshi, I Additional Principal Judge, Family Court, Raipur is hereby, granted earned leave for 05 days from 28-08-2017 to 01-09-2017 along with permission to remain out of headquarters from 27-08-2017 to 01-09-2017.

During the period of earned leave, he shall be entitled to leave salary equal to pay drawn immediately before proceeding on leave as aforementioned.

Certified that if Shri Joshi, had not proceeded on leave as aforementioned then he would have been working on the same post.

After deduction of the aforementioned leave, 284 days of earned leave are remaining in his leave account as on date.

By order of the High Court,
OMPRAKASH SINGH CHAUHAN, Additional Registrar (ADMN.).